

Class and Power in Roman Palestine

The Socioeconomic Setting of
Judaism and Christian Origins

Anthony Keddie



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CLASS AND POWER IN ROMAN PALESTINE

Anthony Keddie investigates the changing dynamics of class and power at a critical place and time in the history of Judaism and Christianity – Palestine during its earliest phases of incorporation into the Roman Empire (63 BCE–70 CE). He identifies institutions pertaining to civic administration, taxation, agricultural tenancy, and the Jerusalem Temple as sources of an unequal distribution of economic, political, and ideological power. Through careful analysis of a wide range of literary, documentary, epigraphic, and archaeological evidence, including the most recent discoveries, Keddie complicates conventional understandings of class relations as either antagonistic or harmonious. He demonstrates how elites facilitated institutional changes that repositioned non-elites within new, and sometimes more precarious, relations with privileged classes, but did not typically worsen their economic conditions. These socioeconomic shifts did, however, instigate changing class dispositions. Judean elites and non-elites increasingly distinguished themselves from the other, through material culture such as tableware, clothing, and tombs.

Anthony Keddie holds an MA from Yale Divinity School and a Ph.D. from the University of Texas at Austin. A former SBL Regional Scholar, Keddie is the author of *Revelations of Ideology: Apocalyptic Class Politics in Early Roman Palestine* (2018) and co-author of *Jewish Fictional Letters from Hellenistic Egypt* (2018).

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The Socioeconomic Setting of Judaism
and Christian Origins

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For Rebekah and Dominick

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Note on the Text

In the preparation of this study, I have had to make some difficult terminological and conceptual decisions in service of clarity and consistency. Although this is not the place to justify these decisions at length, I wish to at least flag them for readers.

First, I never refer to “Jews” or “Christians” in Early Roman Palestine except when discussing scholarship that has employed these labels in particularly consequential ways. Instead, I refer exclusively to Judaeans and distinguish Judaeans “Christ-followers” either using that term or as members of the “Jesus movement.” For historical and ideological analysis, I consider this imperfect nomenclature more historically fitting and less theologically motivated (though certainly not free of ideological value). I have no intent of alienating modern Jews and Christians from their scriptures, traditions, and history. However, I find the category “Judaeans,” which makes manifest the salient ethnic association of this people with their geographical and symbolic homeland, and destabilizes our modern segregation of religious and ethnic identities, more consistent with group nomenclature in this period of study (see, among others, Esler 2003, 63–74; Mason 2007; Satlow 2014a).

Second, I refer to the full extent of Herod’s kingdom in the Early Roman period as Palestine. This label is inherently imprecise, for geopolitical boundaries and their official and conventional titles were constantly shifting. I attempt to use the ancient titles for this region and its component territories whenever it is helpful to understand the ancient sources, but when referring broadly to the full extent of the territory I use the term Palestine. Because I do retain the term *Judaea* when the ancient sources do, however, I distinguish the territory around Jerusalem as “lesser *Judaea*.” Whereas “*Judaea*” was the designation most Judaeans associated with the region, ancient authors variously used it to refer to the Roman province of

Judaea, the territory occupied by Jews/Judaeans (not just in lesser Judaea), and as a circumlocution for the biblical “Land of Israel.” I use the term Palestine to avoid some of this confusion. Although the label “Palestine” appears most often in outsider sources, its occasional usage as a geographical label by Philo and Josephus indicates that it was not only an external name for the region.

Third, I consider the “Early Roman period” in Palestine to last from 63 BCE to 70 CE. This whole period is sometimes referred to as the “Herodian period” or “Early Roman period I” as distinct from “Early Roman period II” (70–135 CE). In this book, “Early Roman period” is “Early Roman period I” (63 BCE–70 CE), “Early Roman period II” (70–135 CE) is referred to by that title, and the Middle Roman period is 135 CE to ca. 235 CE. The following list shows how I distinguish Palestine’s archaeological periods for the purposes of this book.

Periodization	
Iron Age I	1200–900 BCE
Iron Age II	900–586 BCE
Neo-Babylonian	586–539 BCE
Persian/Achaemenid	539–331 BCE
Hellenistic	331–63 BCE
Early Roman	63 BCE–70 CE
Early Roman II	70–135 CE
Middle Roman	135–235 CE
Late Roman	235–324 CE
Byzantine	324–638 CE

Fourth, the primary focus of this study is Judean society. Because I am particularly interested in changes in the economic, cultural, religious, and political institutions of Judaeans as Palestine was incorporated into the Roman Empire, I have not devoted much space to exploring non-Judean inhabitants of Palestine and their interactions with Judaeans. While this analysis often has implications for non-Judaeans as well, I leave the examination of the particularities of social change among non-Judaeans in Palestine for subsequent studies.

Transliteration, site names, and abbreviations follow the *SBL Handbook of Style: Second Edition* (Atlanta, GA: SBL Press, 2014) and J.F. Oates et al., *Checklist of Editions of Greek, Latin, Demotic and Coptic Papyri, Ostraca, and Tablets* (5th edition; Bulletin of the American Society of Papyrologists,

Supplement 9; Oakville, CT: American Society of Papyrologists, 2001). I have transliterated Greek, Hebrew, and Aramaic using SBL's "General-Purpose Style" rather than "Academic Style" (with the exceptions that I have transliterated η as *h* instead of *h* or *kh*, υ as *t* instead of *t*, and ϖ as *s* instead of *s*). In general, I have restricted untransliterated texts to the notes. For place names not listed in the *SBL Handbook*, I have used what I have found to be the most widespread English spelling. Unless otherwise noted, all scriptural translations are my adaptations of the NRSV and all translations of Classical authors are my adaptations based on the Loeb Classical Library editions. For the sake of convenience, I have supplied a list of abbreviations for the editions of inscriptions and documents that I cite most frequently as well as some other important research resources.

This sociohistorical investigation of class and power in Early Roman Palestine is qualitative rather than quantitative, selective rather than exhaustive. It focuses on a single research question which leads to re-evaluations of well-known data at some points and the introduction of new data and questions at others. I have endeavored to provide extensive and up-to-date citations in order to facilitate the researcher seeking to use this book as a resource for further exploration. My hope is that, whether the reader agrees with its main line of argument or not, this book will help to bridge the disciplinary divides between the "biblical" and "classical" fields and philological and archaeological methods while serving as a launchpad for new insights and inquiries into the relationship between religion and socioeconomics in antiquity.

Abbreviations

AE	<i>L'Année épigraphique: revue des publications épigraphiques relatives à l'antiquité romaine.</i> Paris, 1888–.
BGU	<i>Aegyptische Urkunden aus den Königlichen Staatlichen Museen zu Berlin, Griechische Urkunden.</i> Berlin, 1895–1937.
CIIP	<i>Corpus Inscriptionum Iudaeae/Palaestinae.</i> Berlin, 2011–.
CIJ	<i>Corpus Inscriptionum Judaicarum.</i> Edited by Jean-Baptiste Frey. Rome, 1936–52.
CIL	<i>Corpus Inscriptionum Latinarum.</i> Berlin, 1862–.
CIS	<i>Corpus Inscriptionum Semiticarum.</i> Paris, 1881–.
CPJ	<i>Corpus Papyrorum Judaicarum.</i> Edited by V. Tcherikover. Cambridge, MA, 1957–64.
C.Ord.Ptol.	<i>Corpus des Ordonnances des Ptolémées.</i> Edited by M.-Th. Lenger. Brussels, 1964.
C.Zen.Palestine	<i>Des Grecs en Palestine au IIIe siècle avant Jésus-Christ: Le dossier syrien des archives de Zénon de Caunos (261–252).</i> Edited by X. Durand. Paris, 1997.
I.Erythrai	<i>Die Inschriften von Erythrai und Klazomenai.</i> IGSK. 1–2. Bonn: Habelt, 1972–1973.
IG	<i>Inscriptiones Graecae.</i> Edited by W. Dittenberger et al. Berlin, 1903–.
IGR (IGRR)	<i>Inscriptiones graecae ad res romanas pertinentes.</i> Edited by R. Cagnat et al. Paris, 1906–1927.
IGSK	<i>Inschriften griechischer Städte aus Kleinasien.</i> Bonn: Habelt, 1972–.

ILS	<i>Inscriptiones Latinae Selectae</i> . Edited by H. Dessau. Berlin: Weidmann, 1892–1916.
IvE	<i>Die Inschriften von Ephesos</i> . IGSK 11–17. Edited by H. Engelmann et al. Bonn, 1979–84.
MAMA	<i>Monumenta Asiae Minoris Antiqua</i> . Edited by W.M. Calder et al. London, 1928–93.
NEAEHL	<i>The New Encyclopedia of Archaeological Excavations in the Holy Land</i> . Edited by E. Stern. Jerusalem, 1993–2008.
OGIS	<i>Orientis Graeci Inscriptiones Selectae</i> . Edited by W. Dittenberger. Leipzig, 1903–5.
OEANE	<i>The Oxford Encyclopedia of Archaeology in the Near East</i> . Edited by E.M. Meyers. Oxford, 1997.
O.Masada	<i>Masada I, The Yigael Yadin Excavations 1963–1965, Final Reports: The Aramaic and Hebrew Ostraca and Jar Inscriptions</i> . Edited by Y. Yadin and J. Naveh. Jerusalem, 1989.
PAT	<i>Palmyrene Aramaic Texts</i> . Edited by D.R. Hillers and E. Cussini. Baltimore, MD, 1996.
P.Cair.Zen.	<i>Zenon Papyri, Catalogue général des antiquités égyptiennes du Musée du Caire</i> . Edited by C.C. Edgar. Cairo, 1925–40.
P.Col.Zen.	<i>Columbia Papyri III–IV: Zenon Papyri: Business Papers of the Third Century B.C. Dealing with Palestine and Egypt, I–II</i> . Edited by W.L. Westermann et al. New York, 1934–40.
P.Flor.	<i>Papiri Greco-egizii, Papiri Florentini I: Documenti pubblici e privati dell'eta romana e bizantina</i> . Edited by G. Vitelli. Milan: Hoepli, 1906.
P.Hev./Se.	<i>Aramaic, Hebrew and Greek Documentary Texts from Nahal Hever and Other Sites, with an Appendix containing Alleged Qumran Texts (The Seiyāl Collection II)</i> . Edited by H.M. Cotton and A. Yardeni. Discoveries in the Judaean Desert 27. Oxford, 1997.
P.Jud.Des.Misc.	<i>Miscellaneous Texts from the Judaean Desert</i> . Edited by J.H. Charlesworth et al. Oxford, 2000.
P.Lond.	<i>Greek Papyri in the British Museum, VII: The Zenon Archive</i> . Edited by T.C. Skeat. London, 1974.
P.Masada	<i>Masada II, The Yigael Yadin Excavations 1963–1965, Final Reports: The Latin and Greek</i>

- Documents*. Edited by H.M. Cotton and J. Geiger. Jerusalem, 1989.
- P.Mur. *Les grottes de Murabba'ât*. Edited by P. Benoit et al. Oxford, 1961.
- P.Oxy. *The Oxyrhynchus Papyri*. London, 1898–.
- P.Ryl. *Catalogue of the Greek and Latin Papyri in the John Rylands Library, Manchester*. Manchester, 1911–52.
- PSI *Papiri greci e latini*. Florence, 1912–.
- P.Soterichos *Das Archiv von Soterichos (P. Soterichos)*. Edited by Sayed Omar. Opladen: Westdeutscher, 1978.
- P.Tebt. *The Tebtunis Papyri*. London, 1902–.
- P.Yad. *The Documents from the Bar Kochba Period in the Cave of Letters, I: Greek Papyri*. Edited by N. Lewis. Jerusalem, 1989. II: *Hebrew, Aramaic and Nabataean – Aramaic Papyri*. Edited by Y. Yadin et al. Jerusalem, 2002.
- RDGE *Roman Documents from the Greek East*. Edited by R.K. Sherk. Baltimore, MD, 1969.
- RIC *Roman Imperial Coinage*. Edited by H. Mattingly et al. London, 1923–.
- RPC *Roman Provincial Coinage*. Edited by A.M. Burnett et al. London, 1992–.
- SB *Sammelbuch griechischer Urkunden aus Aegypten*. Edited by F. Preisigke et al. Wiesbaden, 1915–2002.
- SEG *Supplementum Epigraphicum Graecum*. Leiden, 1923–.
- TSSI *Textbook of Syrian Semitic Inscriptions IV: Aramaic Inscriptions and Documents of the Roman Period*. Edited by J.F. Healey. Oxford, 2009.
- WDSP I = *The Samaria Papyri from Wâdi ed-Dâliyeh: The Slave Sales*. Harvard Ph.D. diss. by D.M. Gropp, 1986. II = *Wadi Daliyeh II: The Samaria Papyri from Wadi Daliyeh*. Edited by D.M. Gropp et al. Oxford, 2001.



FIGURE 0.1 Early Roman Palestine



FIGURE 0.2 Upper Galilee



FIGURE 0.3 Lower Galilee

Introduction

Did the beginnings of Roman rule rip apart the fabric of Judaeen society, setting the stage for Jesus's movement and the First Revolt? A number of ancient literary sources seem to think so. The Judaeen historian Flavius Josephus, for instance, implies that class tensions between the men of power and the multitude, the avaricious rich and violent poor, were one of the causes of the destruction of the Jerusalem Temple during the First Revolt against Rome (66–74 CE), a seminal moment in the history of Judaism and Christianity.¹ Judaeen authors of apocalyptic texts similarly condemned Judaeen elites for exploiting the labor and resources of the righteous, promising that these oppressors would be punished by God in an impending age.² The authors of the New Testament gospels corroborated this portrait, depicting Jesus as a prophet of the people who was executed by wealthy high priests and their lackeys.³ In different ways, each of these literary sources conflates three binaries – rich/poor, powerful/powerless, and foreign/indigenous – within gripping narratives about the beginnings of Roman rule in Palestine. But does material and comparative evidence for the changing shape of socioeconomic relations in Early Roman Palestine support this view?

Judaeen authors' broad observations about wealth and power are generally confirmed by other sources. At the same time, the positions, interactions, and motivations of elites and non-elites were far more complex than the literary sources suggest. This book analyzes a diverse array of literary,

¹ Josephus, *B.J.* 7:260–1. See Goodman 1987, 12–13, 18, *et passim*.

² Pss. Sol. 4:1–25; 8:10–12; 1 En. 46:4–8; 53:1–7; 62:1–63:12; T. Mos. 6–7. Representations of class in apocalyptic texts from Early Roman Palestine are treated in Keddie 2013; 2018a; forthcoming a; forthcoming c.

³ Among others: Keith 2014; Crossley 2015.

archaeological, and comparative evidence in order to enhance and nuance our understanding of the sources, expressions, and consequences of the differences between elites and non-elites in Early Roman Palestine (63 BCE–70 CE). To do so, it focuses on the question of how institutional changes in the earliest phases of Roman rule impacted relations between elites and non-elites.

I argue that institutional change in Early Roman Palestine supported the empowerment of Judaeen elites and further entrenched longstanding differentials of power. At the same time, though, these institutional developments often (but not always) ameliorated the economic conditions of non-elites. Socioeconomic relations changed considerably, but this did not entail enhanced exploitation relative to earlier periods or other provinces. The changing socioeconomic positions of elites and non-elites did, however, stimulate the emergence of new material expressions of class distinctions. The difference between elite and non-elite material cultures became more salient, but this ideological demarcation was not a literal translation of economic differentials.

Numerous studies have tackled aspects of socioeconomic relations in Early Roman Palestine. This study builds on this important scholarship while focusing specifically on the impact of interlocking institutional developments on socioeconomic relations among Judaeans during the earliest phases of Roman rule. As such, it contributes to the lively debate in recent years among scholars working on the economy of Early Roman Palestine. At the center of this debate is the question of whether or not socioeconomic relations were antagonistic in the first century CE. If they were, the Jesus movement and First Revolt may be understood as attempts to resist this situation of class exploitation.

One side of this debate, until recently the predominant perspective, tends to use conflict models of preindustrial agrarian societies (e.g., those of John Kautsky and Gerhard Lenski) inductively.⁴ Proponents of this approach take Josephus and the New Testament as their main data while using archaeological and documentary data secondarily. These studies envision the “aristocracy” and “peasantry” as relatively homogeneous classes and their relationship as exploitative and extractive.⁵ The aristocrats are closely

⁴ Lenski 1966; Kautsky 1982. See also Wolf 1966; J. Scott 1976; 1985. Appropriations in scholarship include Herzog 1994; Horsley 1995b, 9; 1996, 76–7; 2006; 2007, 58–62; 2008; 2014, 40–3; Crossan 1991, 43–6; 1994, 24–5; Fiensy 1991, 155–76; 2014, 67–80; Duling 2002; Rohrbaugh 2006. For overviews and critiques of the use of these models in New Testament scholarship, see Overman 1997; Sawicki 2000, 61–80; Mattila 2010; 2014b; Chancey 2011.

⁵ See, among others, Horsley and Hanson 1985; Moxnes 1988; Horsley 1993; 1995b; 1996; 2014; Oakman 1986; 2008; 2014; K. Hanson and Oakman 2008; Fiensy 1991; 2014, 67–80; Crossan 1991; Kloppenborg 2000b; Herzog 2000; Amal 2001; Malina 2001. This conflict-oriented

aligned with Roman power and Roman culture and construed as more-or-less inauthentic Judeans due to their “Romanization.”⁶ Meanwhile, indigenous Judeans (and Christ-followers) are viewed as their pious victims, devoid of any agency except when mobilized towards justified strategies of resistance. This school of thought, which closely resembles the perspectives of the ancient texts,⁷ portrays Roman imperialism as the stimulus for new or heightened forms of class exploitation that corroded the egalitarian nature of traditional subsistence-oriented communities.

The other side of this debate has consisted largely of archaeologists who prioritize forms of material evidence over the literature.⁸ This perspective has eschewed the use of inductive conflict models and has argued for considerable social harmony, market activity, and economic prosperity in the Early Roman period. Whereas the conflict studies generally favored a primitivist/substantivist perspective in the tradition of Moses Finley (1985), rejecting economic development and market integration in the Roman Empire, this group of scholars has taken more of a modernist/formalist stance that allows for economic growth, trade, and some measure of market integration.⁹ This group of scholars has been accused, however, of being too quick to overlook exploitation, predation, state violence, and structural impediments to subsistence and the accumulation of surplus wealth.

scholarship has been influenced to varying degrees by Marxist historiography (e.g., Kreissig 1970; Kippenberg 1978; Ste. Croix 1981; for a recent study in the tradition of Ste. Croix, see Boer and Petterson 2017).

⁶ Scholars in different fields have traditionally described cultural change in the provinces as “Romanization” (whether using this word or not). As a heuristic, Romanization developed within colonial discourse in the context of modern imperial expansion in the early twentieth century. It has been increasingly rejected in recent years because it posits bounded, autonomous groups (native and Roman), it views cultural change as top-down, unilateral, unilinear, and teleological (where the *telos* is Roman-ness), it assumes a social evolutionary model whereby Roman is deemed more civilized than pre-Roman, and it views any divergences from the process of assimilation as resistance. See Freeman 1997; Webster and Cooper 1996; Mattingly 1997; 2011, 38–9; Woolf 1998, 1–23; Webster 2001; I. Morris 2005; Hingley 2005, esp. 1–48; Rothe 2005; Wallace-Hadrill 2008, 27; Revell 2009, 6; Versluys 2014; Woolf 2014; Pitts and Versluys 2014; Vanacker and Zuiderhoek 2017.

⁷ See McLaren 1998, 127–78.

⁸ Edwards 1988; 1992; Overman 1988; J.F. Strange 1997; E. Meyers 1997a; Aviam 2004a; 2011; 2013a; Jensen 2006; Root 2014.

⁹ For this distinction, see Harland 2002; Fiensy 2014, 120. On the primitivist/modernist impasse in the study of the ancient economy, see I. Morris and Manning 2005; Saller 2005; Mattila 2014b; Boer and Petterson 2017, 9–24. For Finley’s adoption of Weberian and Polanyian theories, see Nafissi 2005; on his disregard for archaeological evidence, see Gates-Foster 2016. Finley’s primitivist approach has been reinvigorated in recent years by Bang (2002; 2006; 2008; 2012; 2015a; 2015b), while the modernist approach traditionally associated with Rostovtzeff (1957) has been developed by Temin (2001; 2009; 2013).

To be sure, new archaeological finds are making it increasingly difficult to accept the primitivist theory that Palestine (or any of its regions) had an isolated subsistence economy characterized by little to no trade or development.¹⁰ Archaeologists have appealed in recent years, for instance, to the distribution of Eastern Terra Sigillata tableware (and especially Eastern Sigillata A, or ESA) in the Roman East to illuminate patterns of supraregional trade and market integration. Because this work draws on data from Early Roman Palestine, it is of immediate relevance to this study. It is also significant because shipwreck excavations have shown that pottery was usually transported along with grain and other goods.¹¹ Pottery distribution patterns can therefore serve as an index for trade in more important products.

On the basis of computational modeling that simulates ancient trade networks, Tom Brughmans and Jeroen Poblome concluded that Eastern Sigillata distribution patterns indicate considerable market integration. They have further asserted that this evidence proves that a modernist model is preferable to a primitivist one.¹² Through multiple experiments on the basis of an extensive database of sherds representing four Eastern Sigillata types, they found that “Only high proportions of inter-site links, representing a high integration of markets ...¹³ have the potential to give rise to the archaeologically observed differences in the width of tableware distributions.”¹⁴ Indeed, the wide geographical distribution of Eastern Sigillata types in the eastern empire and the prevalence of a particular type at most sites strongly suggests some degree of market integration.

There are, however, conceptual oversights in Brughmans and Poblome’s study. Most importantly, as the authors admit, this analysis does not account for variations in urban and rural distributions.¹⁵ While the distribution of these wares demonstrates a degree of market integration between cities in the Roman East, it does not betray a fully integrated market economy. ESA was far less common in Judaeian village contexts than in cities in first-century CE Palestine.¹⁶ This observation urges caution in speaking of anything resembling a “free” market economy. Instead, the tableware evidence

¹⁰ Numerous studies have demonstrated the significance of archaeological data for understanding the Roman economy: Hopkins 1983; Peacock and Williams 1986; Greene 1990; Hitchner 2002; Panella and Tchermia 2002; A. Wilson 2001; 2002a; 2002b; 2009; Briese and Vaag 2005; Lo Cascio 2006a; Harris 2011; A. Wilson and Flohr 2016.

¹¹ Parker 1992, 102–3; Lewit 2011.

¹² Brughmans and Poblome 2016. Cf. Lewit 2011; Bes 2015, esp. 144.

¹³ The authors refer here to Temin 2013.

¹⁴ Brughmans and Poblome 2016, 403.

¹⁵ Brughmans and Poblome 2016, 403.

¹⁶ See further Chapter 5.

demonstrates supraregional trade and market integration mainly in cities and highlights the significance of inter-urban trade networks.¹⁷

At the same time, differences in Eastern Sigillata distribution are a function of social and cultural constraints and not just economic forces of supply and demand. In Palestine in the first century CE, ESA was predominantly sought after by elites, especially in urban contexts. But throughout the late first century BCE, ESA was more widespread and was found in village contexts. Economic forces alone cannot explain this changing distribution pattern. Preferences of taste that were informed by social, cultural, ethnic, and religious dispositions must have also played an important role. Like most dispositions, these were surely learned through social networks. For instance, Palestine's Judean elites sought out luxury items that they knew were produced elsewhere in the Mediterranean and used by elites in those contexts. Elite purchasing power and demand, then, played a disproportionate role in market integration in cities of the Roman East. This economic agency of elites did not, however, exist in a vacuum. It was embedded in social structures and culture.¹⁸

A growing body of archaeological data from Early Roman Palestine provides further proof of Palestine's integration into supraregional trade networks.¹⁹ Besides ESA, other types of tableware and oil lamps were imported from the Roman East and Italy.²⁰ Additionally, excavators in Jerusalem have unearthed fragments of amphoras that originated in Italy, Greece, North Africa, and elsewhere.²¹ Archaeobotanical studies have shown that timber marketed in Jerusalem and used in large-scale construction projects including mansions and palaces was imported from other regions of the Roman East and especially the mountains of Lebanon.²² Similarly, none of the marble used in public buildings in the cities of Early Roman Palestine

¹⁷ See also Woolf 1997.

¹⁸ On economic embeddedness, a Polanyian emphasis of primitivist scholarship as well as a hallmark of New Institutional Economics, see Polanyi 1957, 43–6; Finley 1985, 60; North 1981, 42; Granovetter 1985; Granovetter and Swedberg 1992; Williamson 1996, 229–31; Furubotn and Richter 2005, 308–11. Bang (2009) and Lyttkens (2013, 7) emphasize that modern economic behavior is just as embedded as ancient economic behavior.

¹⁹ Pastor 2010 supplies an overview of the discussion on trade in Roman Palestine (not just the Early Roman period).

²⁰ Rosenthal-Heginbottom 2014b. See further Chapter 5.

²¹ Ariel 2000; 2003; Finkielsztejn 2006; 2014; Di Segni 2010. On Herod's imports at Masada (as known from the *tituli picti*, amphora stamps, and archaeobotanical remains), see Cotton and Geiger 1989; 1996; Cotton et al. 1996; Marshak 2015, 177–81.

²² Lipshchitz 1994; 2002; 2007, 116–31; 2010; 2013. Note, however, that local timber was typically used in non-elite buildings (Sitry 2006; Leibner 2010). Cf. Josephus, *B.J.* 5:36; m. Me'il. 3:8. On the wood economy, see further Harris 2017. The widespread import of timber from Lebanon was not only driven by elite demand, however. For instance, the first century CE "Ginnosar boat" discovered in the Sea of Galilee was made of cedars from

was local; it was shipped mainly from Asia Minor.²³ Zooarchaeological data demonstrates that Jerusalem's elites ate fish that were imported from the Mediterranean Sea, Red Sea, and Nile River.²⁴ Jerusalemites also exploited mollusk shells that originated in these same regions to make purple dye.²⁵ Additionally, many of the caprids sacrificed at the Temple were brought into Jerusalem from Nabataea.²⁶ All of these examples suggest that Palestine was involved in considerable supraregional trade. While less is known about Palestine's exports (with the exception of Palestine's prized export, balsam), we can be sure that traders would not have made their return trips with empty ships, carts, and caravans.²⁷

Archaeologists have also uncovered numerous indicators of technological innovation in this period.²⁸ For instance, Herod's construction of the Temple Mount stimulated the stone industry, resulting in the marketing of new products (e.g., stone vessels and ossuaries).²⁹ Additionally, Herod's robust building program introduced into the Levant new technologies for activities such as cutting and transporting enormous ashlar and pouring concrete under water.³⁰ Urban workers in Early Roman Palestine also adapted novel forms of masonry (e.g., *opus reticulatum*), architectural design (e.g., the peristyle mansion, theater, and stadium), and decoration (e.g., frescoes and *opus sectile*), while rural workers gradually developed more efficient methods for producing oil and wine.³¹ Furthermore, the

Lebanon (Werker 1990) and thus indicates that there was also local demand from skilled shipbuilders (Kloppenborg 2018, 577–81).

²³ Fischer 1998.

²⁴ Reese et al. 1986; Bouchnick et al. 2009; van Neer et al. 2004; Horwitz and Lernau 2006; 2010. On later rabbinic sources on fish imported from Egypt, see Sperber 1976. Fradkin (1997) demonstrates that fish from the Mediterranean Sea and Nile River were also consumed in Roman and Byzantine Sepphoris, although she does not isolate the evidence from the Early Roman period. Lernau and Shemesh (2016) show that some Mediterranean fish remains from Gamla indicate that the city was commercially connected with the coastal cities in the late Hellenistic and Early Roman period. Most fish remains from Gamla were, however, from the Sea of Galilee.

²⁵ Reese et al. 1986; Mienes 2006; 2010; 2014.

²⁶ Hartman et al. 2013.

²⁷ See Broshi 2001, 190–2 on exports and transit trade; Sperber 1976 on exports to Egypt mentioned in rabbinic literature. On Nabataean, Tyrian, and Palmyrene trade networks in the West, or “trade diasporas,” see Terpstra 2013; 2015; 2016.

²⁸ See H. Schneider 2007 on areas of technological development in the Roman era. Leibner 2010 supplies an overview of manufacturing in Roman Palestine, but draws most of its evidence from rabbinic sources from the Middle Roman period and later. Cf. Rocca 2008, 232–8.

²⁹ Magen 2002; Gibson 2003.

³⁰ Raban 2009.

³¹ Building technology and decoration: Japp 2007; Marshak 2015, 217–27. Wine and oil production: Frankel 1999; Aviam 2004b, 51–60.

invention of glass-blowing enabled a surge in the local production of glass products, as is known from the discovery of a glass workshop in Jerusalem.³²

Altogether, the archaeological evidence of trade and technological development indicate that neither a primitivist nor a modernist model adequately explains the data from Early Roman Palestine. While this evidence demonstrates greater supraregional connectivity and market activity than primitivists expected, it also betrays the disproportionate power of elites over non-elites that modernists have downplayed. Not all of the changes that induced market integration and technological innovation were driven by elite interests and purchasing power, but many of them were – for instance, the acquisition of ESA, marble, and mollusks. Even if elite demand for these products supported trade in other staples that benefited a wider demographic, it is hard to overlook the comparative advantage of elites in cultural and economic change in Early Roman Palestine.

In order to ford this impasse in the study of socioeconomic relations in Early Roman Palestine in light of new archaeological evidence, several scholars have recently called for engagement with the methods and results of research on the Roman economy.³³ There are two components to such engagement. The first involves incorporating theoretical frameworks, such as New Institutional Economics (NIE), that have proven effective in moving beyond the primitivist/modernist debate. The second entails considering the evidence of economic change in other Roman provinces as comparative material. Scholars working on the political history of Early Roman Palestine have executed this task effectively for many years,³⁴ but scholars focused on socioeconomics have been slower to join this effort.³⁵

This study takes up the call to incorporate different methods in order to provide new insights into socioeconomic relations. As with any investigation aimed at historical explanation, a specific methodological framework and set of terms have shaped the research question at the center of this study – namely, how institutional changes impacted relations between elites and non-elites in Early Roman Palestine.³⁶ Modern categories like elite and non-elite, though ubiquitous, require some explanation and

³² Israeli and Katsnelson 2006; Leibner 2010, 274–7. See further Foy 2017 on the Roman glass trade.

³³ Harland 2002; Chancey 2011; Fiensy 2014, 118–31; Blanton 2017.

³⁴ Goodman 1987; 2002; 2008; McLaren 1991; Millar 1993; Gabba 1999. See also the following general studies of the varying degrees of political power of elites in the client-kingsdoms and provinces: Braund 1984; Millar 1992; Meyer-Zwiffelhofer 2002; Lavan 2013; Lavan et al. 2016.

³⁵ Important exceptions are Gabba 1999; Sartre 2005; and, Udoh 2005.

³⁶ For a helpful orientation to methodological issues involved in the study of Early Roman Palestine, see Mason 2016.

justification. I have adopted these particular relational categories because they encompass intersecting differentials of power. Elites and non-elites are thus broader categories than aristocracy and peasantry, rich and poor, or rulers and ruled.³⁷ Unlike these dyads, the elite/non-elite dichotomy accommodates the diverse sources and manifestations of power that could undergird one's relative position within the dynamics of socioeconomic relations.³⁸ Some elites had considerable economic power but were not involved in politics, for example, while others had considerable political sway but minimal surplus wealth.

Elites and non-elites are distinguishable according to proportions of power. Relative to non-elites, elites had a comparative advantage in power. Michael Mann's work, a convenient synthesis of Marxian and Weberian traditions in historical sociology, provides a useful rubric for identifying the different types and sources of elite power. For Mann, power is "the ability to pursue and attain goals through mastery of one's environment."³⁹ Social power, in particular, consists of conglomerations of distributive and

³⁷ As the most common of these categories in scholarship on Early Roman Palestine, "aristocracy" and "peasantry" require additional comments. "Aristocracy," although derived from the ancient word ἀριστοκρατία, misleadingly suggests that all elites were equally involved in "ruling" (κρατεῖν). Aristocracy has the additional drawback that it has usually been used to indicate that heredity was a primary criterion for membership. It is clear, however, that only a portion of elites were hereditary elites in the Graeco-Roman world (Hopkins 1965; 2009, 187–90; Wees and Fisher 2015, esp. 7; Tacoma 2015b). "Peasants" or "peasantry" are often used instead of non-elites, especially in scholarship on Early Roman Palestine where descriptions of Jesus and the first Christians as peasants carry special theological and political weight (e.g., Crossan 1991; Oakman 2008). The category of "peasants" has three troubling connotations: first, that all non-elites were involved in agricultural production; second, that peasants formed a monolithic demographic bloc characterized by similar and relatively unchanging socioeconomic conditions of dependence; and third, that peasants were bound to the land and their landlords just like medieval serfs (for these critiques, see Mattila 2006; 2010; 2014b; for critiques of these assumptions about Roman peasants, but not the category per se, based on archaeological evidence, see Ghisleni et al. 2011; Vaccaro and MacKinnon 2014). Rollens (2014, 9–43) has made a strong case for preserving this category while qualifying it so as to recognize the diverse socioeconomic conditions of those who constituted the peasantry. While I appreciate her methodologically transparent attempt to salvage this category, I am not convinced that it is a fitting designation for non-elites who were not involved in agricultural production. Other alternatives, such as "masses" and "commoners," are somewhat more appropriate. "Masses" is used in two different ways in the literature. Sometimes it is used to describe all non-elites including slaves. In other instances, it is used for citizen non-elites (the δῆμος), who had some political rights (Ober 1989, 11; 2017). "Non-elites" is preferable, however, because this category explicitly conveys that these social actors lacked the advantages of elites (Clarke 2003, 5). While it is not ideal to identify a social group according to what they lack, this redescription is useful for underscoring their position of vulnerability relative to elites.

³⁸ In defense of elites/non-elites (or, masses), see further R. Evans 2017.

³⁹ Mann 1986, 6 (following Weber 1968, I: 53).

collective (or organizational) power, where the former is power one person gains over another in a zero-sum game and the latter is when “persons in cooperation can enhance their joint power over third parties or over nature.”⁴⁰

Mann distinguishes four interdependent sources of social power – ideological, economic, military, and political (hence, IEMP is the name of his model).⁴¹ For the study of the Roman imperial state, however, this should be adapted so that military power is subordinated to political power.⁴² Ideological, economic, and political power roughly correlate to class, wealth, and status. Where ideological power is control over the production and reproduction of meaning, norms, and practices, class is its expression as a set of subjective dispositions about one’s socioeconomic position.⁴³ Where economic power is control over resources and access to

⁴⁰ Mann 1986, 6.

⁴¹ Mann 1986, 2, *et passim*. For an application of the IEMP model in research on ancient socioeconomics, see Manning 2003, 9–10, 134, 236. For critical appraisals of Mann’s broader project, and particularly its Eurocentricity, see Hall and Schroeder 2006.

⁴² Slootjes 2011, 242; cf. Poggi 2006. The present study organizes military power under the rubric of political power, but it does not focus much specific attention on military matters. I direct the reader to the following works: Isaac 1990b; Shatzman 1991; Kennedy and Braund 1996; Zeichmann 2018a; 2018b. In this study, auxiliaries are considered non-elites with the exception of the relatively small number whose elevated ranks positioned them as sub-elites or elites within the administration of a district, city, or province. As Zeichmann (2019, 55) explains, “soldiers tended to be recruited from society’s lower classes, both across the Empire and within Palestine in particular.” Moreover, “only after the War did the citizen legions come to Judaea, since before the War the army of Judaea was little more than a local policing force” (56).

⁴³ Mann 1986, 22–3. Mann (1986, 24–5) follows Weber (1947, 424–9; 1958a, 180–95; 1968, I: 43–6, 341–4) in viewing class as a strictly economic category for social groups involved in these processes. Class, according to Mann, involves relations of economic power that are separate from social stratification. I concur with the Weberian assertion that economic and social stratification should be differentiated, but I reject Mann’s understanding of class as a political-economic structure. Wealth and status were distinctive, yet interdependent, sources of elite power that were expressed as class. I maintain that an alternative conceptualization of class should be central to our understanding of ancient elite power (see further Keddie 2018a, esp. 55–73). While class has traditionally been defined in the social sciences as a structural position within the political-economic relations of production (e.g., Marx), as an economic level (e.g., Weber), or as a social relationship (e.g., E.P. Thompson), more recently scholars in different fields have redefined class as a socially habituated subjectivity (Eder 1993; Savage 2000; Skeggs 2004; McCloud 2007a; 2007b; McCloud and Mirola 2009). Building on Bourdieu (1986) and Giddens (1973, 41–52, 99–138), these scholars have sought to distinguish class from economic stratification and collective action. From this perspective, class is a set of subjective dispositions about one’s socioeconomic position learned through the habitual practices of social actors within the constraints of their institutional environment. These dispositions are contested and never fixed. Class is thus a cultural (informal) institution; it is a set of ideological representations that constrain human thoughts and actions and can in some cases – but not necessarily – lead to collective action

them, wealth is the accumulation of surplus resources.⁴⁴ And where political power is control over social relations through regulations and coercion,⁴⁵ status is the recognition of this power (or the lack thereof) within society.⁴⁶ Elites gained social power as a function of their positions relative to non-elites and resources within these matrices of social organization.

This adaptation of Mann's methodology for parsing social power enables us to interrogate historical developments in the *longue durée* while still being precise about the sources of any given individual's socioeconomic position within their institutional environment, or the agency of social actors

(Eder 1993). In my adaptation of the IEMP model, class is a form of ideological power. As a function of their comparative advantage in wealth and status, their disproportionate economic and political power, elites to some degree come to share a distinctive set of class dispositions and practices (cf. Mayer 2012; Wees and Fisher 2015, 38).

⁴⁴ Mann 1986, 24. For a quantitative model of income inequality in the Roman Empire, see Scheidel and Friesen 2009 (cf. Friesen 2004, 341). I have adapted this model of economic stratification to the evidence from Early Roman Palestine in Keddie 2018, 67–9, tab. 2.1. This simplified model recognizes six different economic levels relative to bare bones subsistence. It includes three levels of elites, who together account for less than 5 percent of the population: municipal elites, regional/provincial elites, and imperial elites. It also consists of three levels of non-elites, which account for the overwhelming majority of the population: destitute, near-subsistence, and stable with moderate surplus resources (aka “middlers”). These economic strata (not “classes”) serve as an index for a person's position with respect to the distribution of wealth but do not account for other factors (e.g., droughts) and institutions (e.g., patronage) that impact a person's economic conditions.

⁴⁵ Mann 1986, 26–7. Mann correlated the Weberian notion of status to ideological power, but it also corresponds to political power.

⁴⁶ Although Finley spoke of status as if it were an emic category, unlike the modern category of class, Morley (2004, 66–81) has argued that it is as political and anachronistic as class (cf. Mayer 2012, 1–21; Wees and Fisher 2015, 34–41). Finley (1985, esp. 35–61) used status according to Weber's (1978, 302–7) definition as the total of a person's social estimation judged according to lifestyle, privileges, etc. Scholars who use status to the exclusion of economic differences are prone to making the “political assumption that it is possible to reconcile the interests of different groups and to establish consensus” (Morley 2004, 81). For this reason, status should not be the sole criterion for understanding elite power. Status in the Graeco-Roman world could be routinized through more-or-less formal institutions. According to Hopkins (1965), criteria for high status included wealth, birth, education, learned skill, ability, achievement, and lifestyle. The main legally defined status differences included citizen/non-citizen, slave/freed/free, military rank, and political position (*ordines*, magistracies, liturgies, etc.). Patronage could also enhance the status of a *patronus*, but was less legally regulated. Gender played a role in determining status, for women were restricted from political offices and other organizations in which men enhanced their status. While women could have high status positions, these were often tied in some way to the status of their fathers, husbands, or sons (Saller 1998; 2007; Milnor 2011; Lieber 2012). Women could, nonetheless, acquire and manage private property (including land) and exercise legal rights. On the roles and limits of high status women in civic life in the Roman East, see Bremen 1996; Friesen 2014; Bain 2014.

within structures.⁴⁷ The matter of institutional constraints on the behavior of individuals, elite or non-elite, has been the purview of New Institutional Economics (NIE), currently the prevalent theoretical perspective in scholarship on the ancient economy.⁴⁸ A compromise between neoclassical economics and political-economic models in the tradition of Marx and Weber, NIE maintains that institutions “are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction.”⁴⁹ They may be formal rules (e.g., laws and constitutions) or informal constraints (e.g., customs, traditions, norms, and common law).⁵⁰ An index of social change, institutions develop incrementally, are historically contingent (or “path dependent”),⁵¹ and generally emerge in order to reduce transaction costs – that is, the “underlying costs of exchange” including information costs, transportation costs, bargaining costs, and enforcement costs.⁵² From this theoretical perspective, institutional and

⁴⁷ See also the similar project of Sewell 2009, focusing on the interplay of structure and agency. Z. Crook 2007, addressing biblical scholars, stresses the importance of both structure and agency for social historical analysis. For the duality of structure and agency in studies of social change in the Roman provinces, see Revell 2009, 10; A. Gardner 2002; 2013.

⁴⁸ Since the early 2000s, and especially after the publication of the monumental *Cambridge Economic History of the Greco-Roman World* (Scheidel et al. 2007), an increasing number of ancient historians have drawn insights from NIE with much success: I. Morris 2002; Manning 2003; Erdkamp 2005; Lo Cascio 2006b; Morley 2007, esp. 14–15; Lyttkens 2013; Terpstra 2013; Jakab 2015; Kehoe 2015; Kehoe et al. 2015a; Zuiderhoek 2015; Bresson 2016. Frier and Kehoe 2007; Kehoe 2007, 29–52; and Bang 2009 are helpful introductions to the application of NIE to the ancient economy. I am not aware of any attempts to employ the principles of NIE in the study of Early Roman Palestine other than G. Gardner 2003, although Blanton (2017), Hollander (2017), and Blanton and Hollander (2019) have advocated applying some NIE insights within the New Testament field (with some important caveats about not overemphasizing free market activity). Altmann 2016 applies the principles of NIE to Persian Yehud and the relevant Hebrew Bible texts.

⁴⁹ North 1990, 3. See also North 1981, 201–2; 2005, 6.

⁵⁰ North 1990, 36–53.

⁵¹ North 1990, 92–106; Arthur 1994; Greif 2006; David 2007; Magnusson and Ottosson 2009. See Frier and Kehoe 2007, 137–42 on path dependence in the ancient economy. Manning (2003, esp. 24) has made a strong case for the path dependence of institutional change in Ptolemaic Egypt, and Monson (2012; 2014a; 2015) has done the same for Roman Egypt.

⁵² As Coase (1988, 114) puts it, “In order to carry out a market transaction it is necessary to discover who it is that one wishes to deal with, to inform people that one wishes to deal with and to what terms, to conduct negotiations leading up to a bargain, to draw up the contract, to undertake the inspection needed to make sure that the terms of the contract are being observed, and so on” (cf. North 1981, 5, 18–19; 1989; 1990, 27–35; Williamson 1996; Furubotn and Richter 2005, 47–78). Transaction costs can thus be incurred at the prebargain, bargain, and postbargain phases of exchange. Transaction costs were generally higher in antiquity than they are in industrialized countries today, as the editors of a recent volume on ancient transaction costs have noted (Kehoe et al. 2015a; cf. Frier and Kehoe 2007, 117–19; Lo Cascio 2017).

socioeconomic change occur when self-interested actors and organizations (groups or networks of actors who share common interests)⁵³ attempt to reduce economic uncertainty for themselves by advancing property rights that reduce transaction costs and structure exchange.⁵⁴ Importantly, these social actors are “boundedly rational”: their institutional environment shapes and constrains their social power.⁵⁵

Together, these insights from historical sociology and NIE orient our attention towards the formal and informal institutional constraints on social change in Early Roman Palestine. To be more precise, when combined, these methodological interventions commend the study of socioeconomic relations as power relations that are maintained and constrained by path-dependent institutions and their agents. Drawing on these insights, this book thus focuses on institutional sites as nexuses at which to discover the impact of change on relations between elites and non-elites. Most of these institutional sites are relatively straightforward in the study of socioeconomics – cities, land tenancy, labor organization, and taxes, but two are not: the economy of the sacred and material culture. Since power here is not simply political and economic, but also ideological, I have devoted two chapters to some of the ways that ideology and culture contributed to patterns of social and economic behavior, rather than simply resulting from them.

With this book, I endeavor to pave a middle path in the debate over socioeconomic relations in Early Roman Palestine.⁵⁶ Framed by concepts and methods from NIE and historical sociology, this study demonstrates that power and resources were unevenly distributed, but it also detects signs of improved economic conditions among non-elites relative to earlier

⁵³ Organizations are “groups of individuals bound by some common purpose to achieve objectives” (North 1990, 5). They consist of political bodies (e.g., political parties, the Senate, city councils, regulatory agencies), economic bodies (e.g., firms, trade unions, cooperatives), social bodies (e.g., churches, clubs, athletic associations), and educational bodies (e.g., schools), although these categories overlapped in antiquity as today (North 1990, 5, 73–82; cf. Arrow 1974).

⁵⁴ Property rights are the rights to use, derive an income from, and transfer an asset (Furubotn and Richter 2005, 79–133; Alston and Mueller 2008). The state and other organizations specify property rights that maximize their own wealth. This self-interest of those with the power to alter and enforce property rights often yielded inefficient property rights, as did transaction costs inherent in the institutional environment (North 1981, 17–18, 34, 206; 1990, 7; North et al. 2009).

⁵⁵ Simon 1957; Williamson 1996, 6, 8–9; Furubotn and Richter 2005, 4; North 2005. Asymmetrical information might occur because of bounded rationality, but also because of uncertainty, opportunism, and misconduct (Akerlof 1970; Williamson 1975; North 1981, 34–7; Frier and Kehoe 2007, 119–22; Kehoe et al. 2015).

⁵⁶ The recent work of Fiensy (2014, 67–97, 118–31) has also pursued a compromise.

periods. While maintaining that the elite/non-elite dichotomy yields critical insights into social change, it identifies a wide range of non-elite and elite socioeconomic positions.⁵⁷

Each of the six chapters of this book addresses a set of institutions that changed in the Early Roman period, instigating the restructuring of socioeconomic relations. [Chapter 1](#) examines urban development in the predominantly Judean parts of Palestine. It demonstrates that urban development involved the gradual administrative, physical, and cultural transformation of Hellenistic settlements. Elite interests fueled urban development but involved more than just consumption and exploitation. In Jerusalem, urban development stimulated trade and technological development, created jobs, and bolstered the pilgrimage economy centered on the Temple.

The pace of urban development in the Galilee was slower than is usually presumed. Archaeological evidence shows that Tiberias witnessed considerable transformations in the first half of the first century CE, but Sepphoris did not become a proper city (*polis*) until the second half of that century. In order to complicate scholarly assumptions about urban exploitation of rural producers, this chapter calls attention to the proliferation and relative stability of Galilean villages. It also highlights the diverse economic activities in semi-urban district centers like Magdala. Although most elites lived in cities, some resided in these district centers. The evidence from these villages and district centers reveals some degree of non-elite agency in economic and cultural change at the time. There was, however, no rural villa culture in Early Roman Palestine like in other parts of the empire.

The second chapter investigates changes in land tenure and the organization of labor in the Early Roman period. It shows that land tenancy was not an imperial imposition but had instead existed in some form in the Levant since at least the Iron Age. In the Early Roman period, however, elites attained greater protections for private property and were thus able to accumulate and convey large estates consisting of a number of geographically discontinuous plots. Tenants and laborers were no more exploited working for their elite patrons on private estates than their counterparts had been working on royal estates in earlier eras, but they did enter into new socioeconomic relations with elites. Tenants and wage laborers could occupy a range of socioeconomic positions and managed to secure a modicum of bargaining power in making contracts with landowners. As

⁵⁷ The varying economic and political capacities of elites have been examined in a number of studies (Goodman 1987; Price 1992; Kokkinos 1998; Levine 2002, 351–74; Wilker 2007; 2012; Günther 2009), but the diversity of non-elite socioeconomic positions has received less attention.

in earlier eras, drought and crop failure sometimes impeded the success of agricultural laborers. As a result, these laborers often became indebted to their landowners or other elite patrons.

Chapter 3 enters the contentious discussion over taxation in Early Roman Palestine. It divides taxes into direct taxes (tributes), which were levied by the imperial state, and indirect taxes (tolls, customs duties, sales taxes, etc.), which were more often organized at the provincial and municipal levels. The structure of direct taxation changed repeatedly in the different regions of Early Roman Palestine. In general, the rates of Roman direct taxes were relatively low compared to those of other fiscal regimes. Moreover, censuses brought some regulation to the collection of taxes and thus helped to prevent abuses by officials. While direct taxes were transmitted to Rome, their collection was supervised by councils of local elites. For many Judaeans, indirect taxes were much more exacting. These taxes were levied by local elites and collected, often with little regulation, by tax-farmers and their agents. In addition to their political and economic power over the institutions of taxation, local elites were also involved in market oversight.

The fourth chapter examines the Jerusalem Temple as an economic organization whose membership consisted of priestly elites. By appealing to other temples of the Roman East as *comparanda*, it demonstrates that elite temple functionaries simultaneously sustained their ancestral religious traditions and facilitated economic integration. As overseers of worship, Judaeans had access to sacred land and sacred money and received other offerings. In particular, Judaeans priestly elites were the beneficiaries of the Hasmonean institutions of tithes and temple taxes. Such exactions were authorized through scriptural interpretation, but they were also typical at Graeco-Roman temples more broadly. To many Judaeans, however, they appeared distinctly exploitative once priestly elites became incomparably wealthy and powerful in the Early Roman period.

Material culture is the focus of the final chapter. After a brief methodological discussion of the “archaeology of class,” where class is a subjective sociocultural category, this chapter examines material and literary evidence for class distinctions in tableware, oil lamps, dress, and burial customs. Each of these case studies shows that elites stimulated supraregional trade and local production by seeking out imported luxury items and new types of local products. At the same time that Judaeans elites developed a distinctive class culture that incorporated Graeco-Roman influences, Judaeans non-elites produced new forms of utilitarian items. The agency of non-elites in generating a distinctive class culture was generally inhibited,

however, by their limited economic resources. These dramatic changes in the use of material culture, which began around 20 BCE and continued into the first century CE, were at least partially a function of Herod's building projects and urban development.

This book does not pretend to be a comprehensive social and economic history of Early Roman Palestine. It intends instead to begin a different type of conversation about socioeconomic relations and institutional change through close analysis of an array of literary and archaeological sources, use of an interdisciplinary theoretical framework for explaining social change, and attention to comparative evidence from other provinces of the Roman East. Its results shed new light on the ways that Roman rule impacted socioeconomic relations at a critical juncture in history – that is, in the time and place that the religions we know today as Judaism and Christianity took shape.

CHAPTER 1

Urban Development and the New Elites

Urban settlements and extensive socioeconomic inequality existed in Palestine long before the Roman general Pompey first annexed the region to the expanding Roman Republic in 63 BCE. As Palestine was incorporated into the administrative network and cultural fabric of the Roman East, however, the development of institutions in existing urban centers and the founding of new cities gradually transformed socioeconomic relations among Judeans. As Roman historians have recognized, the formation and development of networks of cities and other municipal centers in the eastern provinces in the Early Roman period was both a cause and effect of the increasing wealth and power of imperial, provincial, and municipal elites.¹ Through both organizations and patronage networks, Palestine's elites exercised their disproportionate power over civic and regional finance, public building, and the formation of local civic identities. By negotiating changes in fiscal, administrative, and cultural institutions, they gradually repositioned themselves into positions of greater power over non-elites and available resources.

Josephus uses the word *aristokratia* to describe the new city-based administration that Pompey introduced into Palestine. A wealthy landowning priest himself, Josephus acclaimed this form of state power that empowers a small group of wealthy landowners with some political autonomy:²

¹ Lo Cascio 2009; Schuler 2015. On cultural and economic changes as a function of Roman incorporation in the eastern provinces, see Alcock 1997; 2007; Woolf 1997.

² According to Josephus, the ideal polity is a theocratic aristocracy, in which God rules through his priests, rather than a monarchy (A.J. 4:223; cf. 5:135; 6:36, 84, 268; 11:111; 20:229, 251; B.J. 2:205). On Josephus's aristocratic bias, see, among others, Mason 2003a; 2005; Price 2005; Cotton and Eck 2005a; Barclay 2005. S. Schwartz (1990, 58–109) has noted that Josephus's account of events leading up to the war in A.J. is disparaging of the Herodian high priests (especially vis-à-vis B.J.), yet still shows favor to an aristocracy controlled by wealthy priests like himself.

“The Judaeans welcomed their release from the rule of an individual and were from that time forward governed by an aristocracy.”³ Josephus also described the annexation of Archelaus’s territory to the province of Syria in 6 CE as a transition to *aristokratia*: “Some of [the high priests] held office during the reigns of Herod and Archelaus his son. After their death, the constitution became an aristocracy, and the high priests were entrusted with the leadership of the nation.”⁴ Josephus thus contrasts aristocracy with monarchy by implying that the former enables non-royal elites to attain greater political power.

The high priests that Josephus designated as the core of the Judean aristocracy were the *nouveau riche* in Early Roman Palestine. They were “new elites” not in the sense that they were new to wealth and power *per se*, but that they had been imported from the diaspora and were therefore new to wealth and power in Palestine. Although Josephus portrayed the high priests as an aristocracy, it is clear from his writings and other evidence that Jerusalem’s priestly elites did not constitute the entire aristocracy in Palestine. Moreover, the wealth and power of Palestine’s elites was not guaranteed by heredity, although heredity was a significant factor for the high priestly families in particular.⁵ Martin Goodman marshaled evidence from Josephus to show that Herod played a pivotal role in importing elites from the diaspora and endowing them with land,⁶ but land was not the only source of their wealth and power.

Archaeological remains, literary sources, and comparative evidence indicate that urban development was partly responsible for the rise of the new elites, as it awarded landowning elites a measure of power over socioeconomic relations. The founding of new *poleis*, even if it did not entail the sudden and intensive construction of monumental cityscapes, authorized administrative institutions that positioned elites well to advance their own interests collectively as organizations. Administrative officials in smaller district capitals called *toparchies* also wielded some of this authority.

Urban development implicated multiple economic, political, and cultural institutions in the constitution, development, and reproduction of the city as structure. These institutions involved, for instance, spatial organization, architectural design, civic administration, city–country trade relations, and so on. The incremental transformation of these diverse and

³ Josephus, *B.J.* 1:170; cf. *A.J.* 14:91.

⁴ Josephus, *A.J.* 20:251.

⁵ On heredity as intrinsic to the concept “aristocracy” but not a primary characteristic of Roman elites, see Wees and Fisher 2015, esp. 7; Hopkins 1965; 2009, 187–90; Tacoma 2015b.

⁶ Goodman 1987, 35–40.

interconnected institutions in the Early Roman period was a consequence of elite social actors repositioning themselves and becoming repositioned in relation to different types of resources within the structure of the *polis*. Due to their disproportionate share of human and nonhuman resources, elites were the driving force behind and primary beneficiaries of urban development. But this was not a zero-sum game: elite success did not necessarily entail the suffering of the masses.

Urban Development and Elite Power

Many assessments of the economic situation in Early Roman Palestine identify urban development as a new form of imperial exploitation that generated economic inequality. The imposition of problematic conflict models by some New Testament scholars is partly responsible for characterizations of “Romanization” as perpetrated by the imperial center and especially exploitative. With regard to urban development, this paradigm asserts that Rome rapidly and deliberately created “consumer cities” that systematically impoverished rural producers for the benefit of urban elites.

Urbanization in Early Roman Palestine was a slow and syncopated process that began long before the Romans. Rather than supplanting previous foundations, urban development in the Early Roman era interacted in complicated and diverse ways with Hellenistic schemas of urban spatial organization, public architecture, and administration – sometimes complementing, sometimes replacing, but often fusing. During this earliest period of Roman influence, the founding and refounding of cities sustained and reshaped longstanding institutions of inequality while facilitating the advancement of elites in political power and wealth. There is no clear evidence, however, that the early stages of urban development impoverished rural farmers and manufacturers. On the contrary, many non-elites working in villages, farmsteads, and manufactories surrounding cities thrived at this time.

Had Palestine become a Roman province *in toto* at one particular historical moment, like Egypt for instance, it might be easier to assess urban development and social change. We are confronted, however, with processes of economic, political, and cultural change that lasted nearly a century and involved significant administrative fluctuations (Table 1.1).⁷

⁷ For historical overviews of administrative changes in this period, see Avi-Yonah 1975; Smallwood 2001, 21–355; Sullivan 1990, 59–80, 193–228; Millar 1993, 337–86; Goodman 1996, 737–81; Gabba 1999, 94–167; L. White 2005; Haensch 2010, 71–84; Sharon 2017. See Millar 1966 and 1989 for an important reassessment of the constitutional and administrative

TABLE 1.1 *Major Administrative Changes in Early Roman Palestine*

63 BCE	Pompey's conquest marked Rome's first military intervention in Palestine in the midst of a civil war between the Hasmonean brothers Aristobulus II and Hyrcanus II, effectively annexing the Hasmonean kingdom to the proconsular province of Syria.*
37 BCE	Herod claimed his throne as client-king of Rome in Palestine.
4 BCE	Augustus split up Herod's territory among three of Herod's sons, awarding the ethnarchy including lesser Judaea, Samaria, Idumaea, Caesarea Maritima, and Joppa to Herod Archelaus, the tetrarchy of the Galilee and Peraea to Herod Antipas, and the tetrachy of Gaulanitis, Trachonitis, Batanaea, and Auranitis to Herod Philip.
6 CE	Augustus deposed Archelaus and annexed his ethnarchy to the province of Syria, commissioning in Judaea a Roman prefect of equestrian rank who was subordinate to the legate of Syria.
41 CE	Claudius made Herod Agrippa I client-king of the entire territory his grandfather once ruled, including lesser Judaea.
44 CE	Agrippa I died and Claudius turned all of Palestine into an imperial province governed by an equestrian procurator (with the exception of the regions that would eventually be returned to Agrippa II).
66–70 CE	The increased military presence during and after the First Revolt required a commander of praetorian rank, who after 70 CE would govern the province as a legate.

* For recent assessments of relations between the Roman Republic and Hasmonean state prior to Pompey's conquest, see Seeman 2013, 1–243; Zollschan 2016.

Provincial incorporation, then, occurred in fits and starts and was not a unilinear progression. While all of these oscillations cannot be addressed at length here, they factor into our analysis of urbanization and social change.

“Urbanization” functions as a metonym for the parasitism of empire in some scholarship on Early Roman Palestine.⁸ Utilizing the vexed

differences between senatorial and imperial provinces. There is an ongoing debate as to whether Judaea was technically its own province or instead part of the province of Syria with its own administration headed by a prefect, as was the case in the Decapolis. As Haensch (2010, 73) concludes, the latter is the more likely scenario for the Early Roman period. See also Eck 2011; 2014.

⁸ A consumer city model is used to argue that parasitism and class antagonism characterized the urban–rural relationship in the Galilee in particular, but also antiquity in general, by Horsley (among others, 1989; 1994; 1995a; 1995b, 158–88; 1996, 43–65, 107–30; 2014, 37–8), Horsley and Silberman (1997), Crossan (1999), Kloppenborg (2000b, 234–42), Arnal

sociological model of the “consumer city,” a number of scholars have attempted to link Roman urbanization to an imperializing agenda of class exploitation. By this view, Rome encouraged the creation of cities in its provinces in order to stimulate economic growth, thereby reorganizing socioeconomic relations into an antagonistic system through which urban elites consumed the surplus products of rural producers who were impoverished by this relationship. Central to most depictions of socioeconomic inequality, this political-economic model of urbanization has merits and shortcomings, but ultimately fails to explain the evidence from Early Roman Palestine.

When Max Weber articulated the classic model of the consumer city, he characterized it as an “ideal type,” but the model is rarely applied in this way.⁹ For Weber, the consumer city was an abstract model against which to measure actual urban dynamics, not necessarily a system that had ever existed. Because Moses Finley applied it to the ancient city without adequate qualifications, however, the consumer city model has often been used unwittingly to explain Hellenistic and Roman urban development.¹⁰ Unlike Weber’s “producer city,” which allegedly existed in medieval times as a natural stepping stone towards capitalism, the ancient consumer city consisted of urban elites who politically and economically controlled the

(2001, 97–156), K. Hanson and Oakman (2008, 93–122), and Oakman (2013). Although eschewing conflict models, Sawicki (2000, esp. 116–21) also tends to view urbanization as parasitic and a “covert” strategy of Rome and the Herods that villagers sought to resist. In contrast to this portrait of urban–rural relations, which was almost exclusively developed by New Testament scholars wielding the sociological model of the consumer city, a number of archaeologists, mostly associated with Sepphoris, have argued for a more reciprocal relationship between cities and their surroundings in the Galilee: Edwards 1988; 1992; Overman 1988; J.F. Strange 1997; E. Meyers 1997a; Aviam 2004a; 2013a. Two major voices in these discussions have tended to be less polarizing, but over time, generally have moved from imagining reciprocity to emphasizing parasitism: Freyne (1980, 121–37; 1992; 1995; and 1997, although, he seems to have settled on a position that urbanization was not parasitic on the Galilee in the first century CE in 2014, 119–23); J. Reed (1994; 2000, 77–100). Jensen (2006, 9–34) provides an excellent review of scholarship pertaining to these issues. As will become evident, my own perspective falls in between the two poles of the debate, much like the scholarship of Moreland (2004), Fiensy (2014, 67–97, 118–31), and Jensen (2006), emphasizing mutually, but not equally, beneficial economic interaction. My particular interest is in challenging the idea that urbanization under Rome was something new and suddenly exploitative, and the assumption that, without the impact of cities, village life was somehow “reciprocal,” and thus unaffected by the burdens of taxation, tenancy, and tithing that had impacted rural life for centuries.

⁹ M. Weber 1976 [1909]; 1958b [1921].

¹⁰ Finley 1981; 1985. Jones (1940, 259–69; 1971 [1937]) has also had a significant impact on the study of the ancient city as a consumer city.

countryside. These urban elites limited private ownership of land in villages under the jurisdiction of a city and ensured that taxes, rents, and surplus products moved directly into their hands.

In recent decades, Roman archaeologists have begun to complicate this model.¹¹ Andrew Wilson, for instance, has demonstrated that a substantial amount of production, ranging from fulling to fish-salting, also took place in provincial cities as non-elite urban artisans engaged in commerce, often for the purpose of export.¹² Similarly, Greg Woolf has argued that commerce and culture contributed to the rate of urban development along with economic factors pertaining to consumption. He has further contended that, in the eastern provinces, the expansion of urban networks was accompanied by the physical and institutional development of villages.¹³ There were often even gray areas between the physical, legal, political, and economic profiles of large villages and those of small cities.¹⁴ While no one doubts the observation that urban development both resulted from and supported the accumulation of power and wealth by urban elites,¹⁵ the notion that rural proletarianization is a function of urbanization has rightly come under fire.

Like the correlation between urban development and consumption, the association of urban development and so-called Romanization should also be nuanced to account for the role of local elites in public building. Rather than an imposition of the imperial center, changing urban topography in the eastern provinces was a local expression of increased wealth driven by the motives of client-kings and provincial and municipal elites rather than the emperor himself.¹⁶ This behavior was especially prevalent in cities that

¹¹ See, for instance, Whittaker 1990; Erdkamp 2001; A. Wilson 2002b; and the essays in Parkins 1997 and Mattingly and Salmon 2000. Remarkably, Horsley (2010, 144) even cites some of this Classical scholarship that complicates the model of the ancient consumer city in support of the model, concluding that elites not only controlled rural production, but also urban production.

¹² A. Wilson 2001; 2002b; Hawkins 2016.

¹³ Woolf 1997; 1998, 136–47. For this phenomenon in Syria, in particular, see Harper 1928; Frézouls 1987; Butcher 2003, 142–61; Sartre 2005, 224–33.

¹⁴ Woolf 1997, 4.

¹⁵ As Parkins (1997a, 107) observes, “Weber gave us a key to the Roman city by arguing for the primacy of elite social and political relationships. But it is only by moving beyond the consumer city that we can fully unlock the potential for understanding the urban centre by exploring the products and reflections of those relationships, the sources themselves.”

¹⁶ General considerations: MacMullen 1980; Eck 1999; Lo Cascio 2009; Schuler 2015. L. White (1995), for instance, has demonstrated the prominent role of local elites in urban development in Ephesos, where an abundance of inscriptions survives that betrays their agency. As has often been noted, the epigraphic record for donations for public buildings and monuments is sparser for Jerusalem than most other cities in the Roman East.

were not designated as *coloniae*, since there was often more state oversight in the planning of *coloniae* than other urban centers. Because cities across the empire cultivated a common architectural repertory and also built structures to serve the same administrative purposes, it is reasonable to describe urbanization as a globalizing process that facilitated the economic and cultural integration of the empire. But this neither indicates that Rome dictated the process nor that each city was designed in imitation of a Roman model.

In his magisterial study of Roman urban architecture, William MacDonald argued that what made a city “Roman” was not a definitive list of buildings constructed in the exact same way in imitation of Rome. Instead, it was what he has called “urban armatures”: “Armatures consist of main streets, squares, and essential public buildings linked together across cities and towns from gate to gate, with junctions and entranceways prominently articulated. They are the setting for the familiar Roman civic building typology, the framework for the unmistakable imagery of imperial urbanism.”¹⁷ During the Roman period, cities in the East began to erect the same general types of buildings, such as theaters, amphitheaters, stadiums, *odeia*, basilicas, colonnaded streets, *fora* and other plazas, monumental gateways and arches, public baths, imperial cult temples and shrines, and *bouleutēria*. But what made a city visually and spatially Roman was the particular interconnectivity of these public spaces and

This might be the consequence of a cultural difference (i.e., Judeans rejected the Graeco-Roman schema of civic euergetism that included the public display of donation and honorary inscriptions). Such was almost certainly the case regarding statues, which would limit the number of honorary inscriptions in a city. The dearth of public inscriptions, however, could also be a consequence of the incomplete state of our evidence. It should be remembered that few archaeological remains of public buildings and monuments from Early Roman Jerusalem have been discovered thus far. A few tantalizing clues exist, nevertheless, which suggest that such inscriptions honoring elites for their role in urban development were more common than it seems in Jerusalem: 1) *CIIP* I.1 3, a fragment of a Greek donation inscription found in excavations around the Temple Mount: “in the twentieth year of ..., when ... was high priest, ... Paris the son of Akeson ... in Rhodes ... for (the) pavement ... drachmae ...”; 2) *CIIP* I.1 9, a Greek inscription honoring the priest and *archisynagogos* Theodotus for building a synagogue in Jerusalem and its associated guest quarters (see further below); 3) *CIIP* I.1 98, the epitaph of Nicanor of Alexandria, who was remembered as the donor of Nicanor’s Gate at the Temple (see [Chapter 4](#) below). Cf. *CIIP* I.1 9–12, which are especially fragmentary building inscriptions. On the significance of these inscriptions, see further Isaac 1998, 21–30; Kloppenborg 2000a; Price 2011. Lapin (2017a, 424 n. 29) points out that later rabbinic accounts of a chamber of Abtinās and gates of Hulda, Tadi, and Qiponos (perhaps the first prefect of Judea, Coponius) may preserve memories of donations (e.g., m. Mid. 1:1, 3).

¹⁷ MacDonald 1986, 5. See also Zanker 2000 on the Roman city as a symbol rather than a specific imitable configuration.

civic buildings in an architectural framework, not necessarily the presence or precise design of any singular edifice. Regional topography, resources, and preferences of taste determined the morphology of an urban armature as well as the individual buildings it comprised;¹⁸ yet, the integral organization of public spaces, social intercourse, and commerce around this central armature was the defining physical characteristic of Roman urbanism.

The formal organization of cities of the Graeco-Roman East as *poleis* supported the advancement of elites within this administrative structure. In the Hellenistic kingdoms and Roman Empire, *poleis* enjoyed a degree of administrative independence. Because they were subordinate to a king or emperor and did not have their own armies, however, they had far less autonomy than the Classical city-states. While ancient conceptualizations of the *polis* varied considerably,¹⁹ modern scholars have tended to reserve the term *polis* for settlements whose administrative structure consisted of appointed magistrates who served as the heads of the city (*archontes*), a citizen voting body (*dēmos*), and most importantly, a civic council of landowning men (*boulē*).²⁰ During the late Hellenistic and Roman periods, *boulai* were increasingly oligarchic, as membership became based on wealth – for instance, HS 100,000 (25,000 denarii) in Asia Minor – and also became lifelong and hereditary.²¹

As a result, the administrative schema of the post-Classical *polis* rewarded the accumulation of wealth and political power by elites who acted collectively in organizations. Members of the *boulē* determined the rates of certain taxes, duties, and tolls levied in the region governed by the *polis*, often including a sizeable rural territory (*chōra*). Citizens of the *polis* typically received tax reductions, while villagers in the *chōra* paid the full amount of taxes.²² At the same time, the property qualification for civic office rewarded ownership of the foremost productive resource, the land. Elites tended to live in cities and lease their land to tenants who were responsible for rents, and often the land tribute as well.²³ These tenants had their own interests

¹⁸ See further Raja 2012.

¹⁹ See the cautions of Mason (2016, 112–29) on the “elasticity of *polis*-related or administrative language” in ancient authors.

²⁰ Millar 1993.

²¹ Millar 1981, 87; 1993; Reynolds 1988, 25–6; Zuiderhoek 2009, 53–66. See also A. Jones 1940, 170–91.

²² Bowman and Rathbone 1992, 120; Rowlandson 1996, 103; Alston 2002, 2.

²³ For instance, Josephus reports that Crispus lived in Tiberias, but owned land in Transjordan (Vit. 33).

and were not simply immobile “peasants” tied to the land.²⁴ Their mobility was obstructed, however, by the institutions of land tenancy and taxation. These institutions are the focus of [Chapters 2 and 3](#), but it should suffice to note here that they sustained the unequal positions of urban elites and their tenants in the *chōra*.

The relationship of a *polis* to its *chōra* benefited elites much more than non-elites. While this arrangement facilitated urban consumption of rural products, however, a unilinear vector of consumption does not define this relationship. Not all non-elites were tenant farmers or smallholders, and not all non-elites lived in the *chōra*. Consumption also took place in villages, especially large ones, and production also happened in cities. Elites sometimes lived in villages or rural settings, and they were not necessarily involved in civic politics. Moreover, due to their limited autonomy, *poleis* in Early Roman Palestine did not differ significantly from large villages, especially those that were the administrative capitals of districts known as toparchies (*toparchiai*). Local elites in *poleis* and toparchy capitals had control over schemas of taxation and property law in the rural regions they governed, but only *poleis* had *boulai* of some 500–600 landowning elites.²⁵ It is for this reason that villages that served as toparchy capitals often became *poleis*.

The similarity between the economic structures of *poleis* and the relatively large villages that administered toparchies is important because both continued to operate in Early Roman Palestine much as they had in the Hellenistic-Hasmonean period. We know of only a small number of new *poleis* that were established in the Early Roman period. Instead, the trend is that Pompey, the Syrian governors, and the Herodian client-kings refounded already established Hellenistic *poleis*, while only the Herodian kings and local elites actually took an active interest in transforming the topography of these cities to accommodate and display their political power.²⁶ The relatively slow pace of urban development in the Early Roman period, with municipalization preceding monumentalization, gradually repositioned elites within preexisting administrative structures. But by creating new

²⁴ I reject the language of “peasants” and “peasantry” so often used by New Testament scholars (e.g., Oakman 2008) because this medieval language often implies a feudal variety of immobility that does not fit the evidence from the Early Roman period, and it also invites homogenizing sociological models of peasant life. For a critique of the “peasant” category, see esp. Mattila 2006; 2010.

²⁵ See Bowman 1992; Bowman and Rathbone 1992; Woolf 1997, 3–4. The number of male citizens that made up the *boulē* varied. Josephus mentions 500 members in Gaza (A.J. 13:364), but more than 600 in Tiberias (B.J. 2:641). On *polis* administration, see Reynolds 1988.

²⁶ Chancey 2005, 96.

opportunities for work and new marketing possibilities, urban development also in certain ways ameliorated the socioeconomic situation of non-elites.

The Persistence of Toparchies

Roman urbanization in Palestine continued the Hellenistic practice of local elites developing *poleis* as cultural, social, and economic centers and was not akin to some new form of imperial parasitism on the rural masses. What A.H.M. Jones observed in his classic, if dated and sometimes problematic, study of urbanization in Palestine remains crucial for the *early period* of Roman influence: “These [Early Roman] foundations seem not to have modified the general scheme of [Hellenistic/Hasmonean] bureaucratic administration very seriously.”²⁷ According to Jones, urbanization “began in earnest” under Hadrian in the second century CE and reached its zenith in the fourth century, when the majority of land and subjects in Palestine were administered by *poleis*. Consumer city approaches to Early Roman Palestine, whether implicitly or explicitly, retroject aspects of this second- to fourth-century CE situation onto the earlier periods.²⁸ Prior to the revolts, however, much of the land in Palestine was not yet governed by civic councils, even as urban development accelerated.

The survival of toparchy administration into the Early Roman period signifies that villages retained some degree of autonomy with respect to nearby *poleis*. Accordingly, the consumer city model of class exploitation is complicated by the fact that urban elites did not have administrative authority over production and taxation in much of the countryside. It is clear that the Hellenistic institution of toparchies was still in operation during this time, even though many details of the administration of Early Roman Palestine remain elusive. Originating with the Ptolemaic adaptation of Achaemenid administrative districts, provinces were divided into toparchies or nomes which consisted of a number of villages. The administration of these villages was centered in a village or city that served as the capital of a toparchy, sometimes called a *mētrokōmia* (mother-village), *kōmopolis* (village-city), or *mētropolis* (mother-city).²⁹

²⁷ A. Jones 1931, 81. See also A. Jones 1971, 226–98; Millar 1993, 80–126, 366–86; Sartre 2005, 151–88. See also the provocative study of Ball (2000), which argues that these urban settlements have roots far deeper than the Hellenistic period in the indigenous cultures of these regions. In his words, “the Romans did not found a *single* new city in the East” (his emphasis, 149).

²⁸ See further Choi 2013, 120–30.

²⁹ On the toparchy/hyparchy form of administration in Palestine, see A. Jones 1931; 1971, 274–5; Schürer 1973, II: 188–98; Schalit 2001, 184–212; Smallwood 2001, 152; Bagnall 1976, 18–21;

A *stratēgos* (general, commander), *oikonomos* (manager), or *kōmoarch* (village leader) in the capital of the toparchy was responsible for the collection of imperial tributes or royal land taxes and other taxes. This official was in turn assisted by an array of officials such as *kōmogrammateis* (village scribes). Aided by his subordinates and slaves, this official also oversaw matters of land distribution, local justice, and social organization in the villages under his jurisdiction. From inscriptions, it is clear that *stratēgoi* were local elites and powerful administrative figures in the Roman client-kingdom of Nabataea throughout the first century CE.³⁰

The *stratēgos* of a toparchy was accountable to the kingdom's chief financial minister, the *dioikētēs* or *epitropos*, and the king. In some cases, however, there were other regional officials, such as meridarchs, who took their place in this vertical network between the *stratēgoi* of toparchies and the Crown. These administrative institutions are well attested in Egypt as surviving mostly intact through at least the Julio-Claudian period, even if certain modifications were negotiated.³¹ For Batanaea, Trachonitis, and Auranitis in Syria, there is also considerable epigraphic evidence of this type of administration surviving the transition from Seleucid to Roman sovereignty.³²

This regional administrative schema is well attested in Palestine during Ptolemaic rule. An early witness to this schema is the Rainer papyrus of 261/60 BCE. This document contains two royal decrees of Ptolemy II Philadelphus concerning the registration of livestock and prisoners. It is directed “to the *oikonomos* in charge of each hyparchy.”³³ While the number of hyparchies at this time is not known, it is noteworthy that by

Isaac 1998, 165–9; Grabbe 2008a, 173–6; Rocca 2008, 200–3; Choi 2013, 127–30. Sherwin-White (1963, 128) was surprised, though not bothered, that the NT does not betray the toparchy form of administration that he argues Palestine had in this period. He is correct to suggest that this may be due to chance and the nature of the sources, but also perhaps to the non-Palestinian transmission and provenance of some of the material. Nonetheless, Mark does supply some relevant information. Mark 6:56 relays the familiar distinction between villages, cities, and farms (εἰς κώμας ἢ εἰς πόλεις ἢ εἰς ἀγρούς), which does not, in any case, convey any administrative information (cf. Luke 9:12). Mark 8:27, however, seems to refer to the toparchy of Caesarea Philippi with the formulation τὰς κώμας Καισαρείας τῆς Φιλίππου. Moreover, Mark 1:38 uses the suggestive term κωμοπόλεις, likely to denote large villages such as, although not necessarily limited to, toparchy capitals.

³⁰ TSSI IV: 9–11. *Stratēgos* appears as a loan word in Nabataean: ‘*strtg*’.

³¹ Monson 2012, 227–36. See also Bagnall 1976, 3–10.

³² Harper 1928; Ball 2000, 230–45; Sartre 2005, 229–33.

³³ SB V 8008 = C.Ord.Ptol. 21–2: πρὸς τὸν οἶκον]όμον τὸν ἐ[ν ἐκάστη] ὑπαρχείᾳ καθεστηκ ότα). Cf. *Let. Arist.* 21–7. See Westermann 1938; L. White and Keddie 2018, 364–6 (with further bibliography).

this point the Ptolemaic territory of “Syria and Phoenicia” was already divided into hyparchies governed by officials called *oikonomoi*. The Zenon papyri of the mid third century BCE similarly reflect these administrative divisions.³⁴ This arrangement of hyparchies run by *oikonomoi* seems to parallel the system of toparchies administered by *stratēgoi*. The level of autonomy experienced by villages in the Ptolemaic period is unclear, however, since the surviving documentation seems to deal only with royal land and kleruchic land granted to veterans by the king. It is noteworthy, in any case, that hyparchies survived as administrative divisions in the province of Arabia under Roman rule. Moreover, the early second-century CE Judaeian desert documents admit no signs of a difference between the structure of Judaea’s toparchies and Arabia’s hyparchies other than nomenclature.³⁵

At the beginning of Seleucid rule in the early second century BCE, the Hefzibah inscription (recording six letters from 201–195 BCE) divulges the presence of *stratēgoi* overseeing villages grouped into administrative units. That the *stratēgos* in these inscriptions, Ptolemy son of Thraseas, switched his loyalty from the Ptolemies to the Seleucids when his land did, evinces continuity in the administration of Palestine during the transition from Ptolemaic to Seleucid rule.³⁶ This Ptolemy, it seems, privately owned some villages in Transjordan but also had villages under his jurisdiction that he did not own; these villages were instead leased and endowed to him by the Crown.³⁷ It is very likely that he was in charge of a toparchy.

From a late second-century BCE perspective, 1 Maccabees attests to the Seleucids continuing the toparchy system. In several instances, the text mentions Judaea and three districts of Samaria that would be annexed to it by the decree of King Demetrius II in 145 BCE. Interestingly, the Seleucid royal documents in 1 Maccabees label Judaea and the three Samaritan districts (Aphairema, Lydda, and Ramathaim) “nomes,” while the Hasmonean governor, Jonathan, calls them “toparchies.”³⁸ The terms, in any case, refer to the same administrative divisions. Moreover, 1 Maccabees implies that the Hasmoneans preserved the division of the country into toparchies of

³⁴ See further Grabbe 2011.

³⁵ E.g., *P.Yad.* 26, 6 (131 CE). See Isaac 1998, 168.

³⁶ For the texts, see Y. Landau 1966; T. Fischer 1979. For discussion, see Gera 1998, 32–3; Grabbe 2008a, 56–7.

³⁷ Y. Landau 1966, 66. Josephus (*B.J.* 2:69; *A.J.* 17:289) similarly records that Ptolemy of Rhodes, Herod’s finance minister, owned the village of Arous (Haris). On the private ownership of villages, see also Harper 1928, 160–2 on Batanaea, Trachonitis, and Auranitis.

³⁸ 1 Macc 10:25–45; 11:28, 34, 57. Cf. Josephus, *A.J.* 13:48–57.

villages. With the Hasmonean territorial expansion, the kingdom increased its number of toparchies.³⁹

From the beginning of Roman intervention in Judaea, urban development coincided with the maintenance of the structure of toparchies. According to Josephus, the Syrian proconsul Gabinius divided the new province (*eparchia*) of Judaea into five districts, each administered by its own council (*synedrion*) situated in its district's chief village or city: "the first was at Jerusalem, the second at Gadara, the third at Amathus, the fourth at Jericho, and the fifth at Sepphoris in Galilee."⁴⁰ Josephus uses the non-technical word *moiras* ("parts") rather than *toparchiai* ("districts") for these divisions. This language is significant. The administration of districts by councils of landowning elites (which Josephus described as a transformation from monarchy to *aristokratia*) was a prefiguration of the *polis*-centered administrative network that would be fully realized in the Middle Roman period, even though these toparchy capitals were not all *poleis* by either ancient or modern standards.⁴¹ This organization was short-lived, however, as the toparchy system was probably revitalized with Julius Caesar's decree restoring privileges to Hyrcanus II,⁴² and was definitely functioning again by Herod's reign. The role of the *synedrion* in administration did persist in Jerusalem, however (see [Chapter 3](#)).

Herod and his successors must have employed and expanded the toparchy system in order to administer territory that was not subsumed by *poleis*. Some Josephan evidence even suggests that Herod combined toparchies into meridarchies governed by officials called meridarchs, although it is difficult to determine the breadth, duration, and significance of the meridarchy-level administration.⁴³ The toparchy divisions remained past the First Revolt and probably past the Second Revolt.⁴⁴

³⁹ Rocca 2008, 199.

⁴⁰ Josephus, *A.J.* 14:91. Gadara is usually considered a mistake for Gazara, Gadora, or Adora (Fitzgerald 2004, 344).

⁴¹ Pompey organized Bithynia and Galatia into administrative districts in a similar way, but more clearly as *poleis* that governed large portions of land (Woolf 1997, 3).

⁴² Josephus, *A.J.* 14:202–3. See also [Chapter 3](#).

⁴³ E.g., Josephus, *A.J.* 12:261–4; 15:216; 1 Macc 10:65. See further Rocca 2008, 201.

⁴⁴ Like A. Jones (1931), Smallwood (2001, 493) envisions a *polis*-based administration slowly putting an end to the toparchy structure in the Middle Roman period, perhaps under the Severans. The absence of toparchies in Eusebius's *Onomasticon* confirms that they were no longer operative in the fourth century. For the counterargument that toparchy structure disappeared under the Hasmoneans or Herodians, and the evidence from Josephus, Pliny, and documentary evidence only records "reminiscences" of the Ptolemaic administrative organization, see Goodman 2000 [1983], 135–6.

In the midst of his account of the war, Josephus supplies a list of Judaea's eleven toparchies:

"[Judaea] is divided into eleven districts (*klērouchias*), the chief of which is the capital Jerusalem, dominating the surrounding area (*perioikou*) as the head dominates the body. After Jerusalem, the other divisions are into toparchies (*toparchias*); second comes Gophna, and after that Acrabata, then Thamna, Lydda, Emmaus, Pelle,⁴⁵ Idumaea, 'Ein-Gedi, Herodium, and Jericho. To these should be added Jamnia and Joppa, both of these exercising control over the surrounding area (*perioikōn*), and finally the territories of Gamla, Gaulanitis, Batanaea, and Trachonitis, which actually form part of Agrippa's kingdom.⁴⁶

Pliny the Elder records a very similar list, though omitting Idumaea and 'Ein-Gedi, reflecting post-70 CE developments.⁴⁷ In addition to these toparchies in Judaea, Josephus also mentions the toparchies of Julias and Abila in Peraea and Tiberias and Taricheae (Magdala) in Galilee.⁴⁸ Josephus describes the places on his list – with the exception of Jamnia and Joppa – as toparchy capitals but not necessarily as *poleis*.⁴⁹ Additionally, the idea

⁴⁵ Note that this is not Pella of the Decapolis, but rather should be identified with Bethleptenpha (cp. Josephus, *B.J.* 4:445), which Pliny records as Betholethephene (Schürer 1973, II: 191).

⁴⁶ Josephus, *B.J.* 3:54–6 (my adaptation of the translation of M. Hammond 2017). The word κληρουχίας here should not be understood, in its technical sense, as land allotted to veteran settlers, but must mean "districts" or "land allotments" more broadly (cf. *A.J.* 13:102 on Ekron and its toparchy as a κληρουχία). For two intensive analyses of this list, see Schürer 1973, II: 190–6 and Schalit 2001, 208–15. See also Z. Safrai 1989.

⁴⁷ Pliny the Elder, *Nat.* 5.14.70: "The remaining part of Judaea is divided into ten toparchies, which we will mention in the following order: that of Hiericus [Jericho], covered with groves of palm-trees, and watered by numerous springs, and those of Emmaus, Lydda, Joppe, Acrabatena, Gophna, Thamna, Bethleptephene, Orina (in which formerly stood Hierosolyma [Jerusalem], by far the most famous city, not only of Judaea, but of the East), and Herodium, with a celebrated town of the same name (*reliqua iudaea dividitur in toparchias decem quo dicemus ordine: hiericuntem palmetis consitam, fontibus rigum, emmaum, lyddam, iopocam, acrabatenam, gophaniticam, thamniticam, betholeptephenen, orinen, in qua fuere hierosolyma, longe clarissima urbium orientis, non iudaeae modo, herodium cum oppido inlustri eiusdem nominis*). On the differences between the two lists, consult Schürer 1973, II: 190–6; Schalit 2001, 208–15; Isaac 1998, 166–7. As Isaac notes, *P.Yad.* 16 indicates that 'Ein-Gedi was incorporated into the toparchy of Jericho after the First Revolt.

⁴⁸ Josephus, *B.J.* 2:252. See further Schürer 1973, II:194. For other Josephan references to toparchies, see *A.J.* 17:25 (Batanaea); 18:31 (Jamnia); *B.J.* 2:167 (Jamnia); 2:235 (Acrabata); 2:509 (Narbatene); 2:568 (Thamna); 2:652 (Acrabata); 3:48 (Acrabata).

⁴⁹ Isaac (1998, 166) argues that the evidence from the Babatha archive of Petra having jurisdiction over its surroundings illuminates the status of Jamnia and Joppa as distinct from the rest of the list. Whereas all of the places at the beginning of the list were toparchy capitals, but not considered proper *poleis* (except perhaps Jerusalem, on which, see below),

that both Magdala and Tiberias, separated by about 5.5 kilometers, were the capital villages of toparchies suggests that Tiberias's civic magistrates did not administer very much of the land around the city even though it was a formal *polis* by this time.⁵⁰ As Junghwa Choi observes, the parceling out of regions to *stratēgoi* (including Josephus) by the Jerusalem rebel command during the war may be an additional indicator of the local preference for a toparchy system.⁵¹ *Stratēgoi* in the toparchies of Palestine served both military and administrative purposes.

The early second-century CE documents from the Judaeen desert help to illuminate the difference between administration by a toparchy and by a *polis* in the Early Roman period. When referring to Judaea, these documents evidently reflect the same toparchy divisions mentioned by Pliny, though only once using the term *toparchia* (*toparcheias Hērōdeiou* in *P.Mur.* 115, ll. 2, 21: 124 CE).⁵² In the documents from the province of Arabia, hyparchies correspond to Judaea's toparchies and allow a glimpse of the relationship between *polis* and hyparchy as it pertains to provincial subjects. In order to reclaim guardianship of her "orphan" son, Jesus, Babatha appeared before the *boulē* of the *polis* of Petra.⁵³ A few years later, she was summoned by a court in Petra with regard to a date orchard she owned.⁵⁴ Petra was both a *polis* and the capital of the hyparchy in which Babatha lived, although her home was far from Petra in Maoza (Maḥoza). The

Jamnia and Joppa were considered *poleis* because they had jurisdiction over their toparchies. Schürer (1973, II: 191) points out, against the notion that Jamnia was a *polis*, that Josephus describes Jamnia as a toparchy in *A.J.* 18:31. This is not significant evidence that Jamnia was a toparchy capital but not a *polis*, for in both instances in which Josephus mentions Jamnia's toparchy, there is a clear separation between Jamnia and its toparchy (*A.J.* 18:31: Ἰάμνειάν τε καταλείπει καὶ τὴν τοπαρχίαν πᾶσαν; *B.J.* 2:167: τὴν τε αὐτῆς τοπαρχίαν καὶ Ἰάμνειαν). Jamnia was both a *polis* and the capital of a toparchy during a period of administrative transition. Although not widespread in the surviving sources from Palestine, the term *mētrokōmia* was commonly used in later centuries in Batanaea and Trachonitis as a category for large villages that served as administrative centers for their districts, but did not have a *polis* constitution (e.g., OGIS II 609, 769, both from Syria). See further Harper 1928; Schürer 1973, II: 189–90; Butcher 2003, 160–1. In Egypt, the title *mētropolis* was used for a toparchy capital even if it was not considered a *polis*.

⁵⁰ A. Jones 1931, 81. Josephus describes Taricheae as 30 *stadia* (about 5.5 km) from Tiberias (*Vit.* 157). On the identification of Taricheae with Magdala, see Leibner 2009, 217–21; De Luca and Lena 2015, 280–98.

⁵¹ Josephus, *B.J.* 2:567. See Choi 2013, 128.

⁵² Isaac (1998, 167) further notes that *P.Mur.* 115 also describes two villages as περὶ Ἀκραβάττων and περὶ Γοφνοῖς, respectively. Without using the word "toparchy," the implication is that these villages were part of the toparchies related to those capitals.

⁵³ *P.Yad.* 12–15 (124–5 CE). For discussion, see Lewis 1989, 47–64; Isaac 1998, 161–3; Lapin 2003; A. Hanson 2005.

⁵⁴ *P.Yad.* 23; 25 (130–1 CE).

village Babatha lived in, then, was actually much closer to Rabbath-Moab, which served as a *conventus* center in her region.⁵⁵ As Benjamin Isaac has noted, the role of Petra in Babatha's legal affairs indicates that hyparchy and toparchy capitals that were *poleis*, at least at this time and place, had far-reaching power in the administration of judicial and financial matters in territories assigned to them.⁵⁶

In hyparchies and toparchies in Arabia and Judaea that did not have *poleis* as their capitals with formal constitutions and *boulai*, it is much less clear how villagers' financial and judicial issues were resolved. Based on the contemporaneous situation in Egypt and Syria, villages probably had some autonomy in determining their internal organization but were beholden to officials in the capitals of their toparchies, nomes, or hyparchies for the collection of taxes and regulation of property law.⁵⁷ These village capitals might eventually become *poleis*, but not necessarily.⁵⁸

Ultimately, the institutional persistence of toparchies into the period of the Second Revolt in Palestine betrays path dependence. It shows that the geopolitical and socioeconomic transition from Hellenistic bureaucratic institutions that stressed vertical ties to the king to Roman provincial *polis* institutions that affirmed and enhanced the wealth and power of a broad sector of urban elites was gradual and syncopated. Both institutional structures contributed to the wealth of elite administrators in *poleis* or toparchy capitals through the collection of taxes and rents. That these forms of administration coexisted throughout the Early Roman period challenges the consumer city model as well as the idea that the Roman Empire sought to impose economic structures through urbanization that would enfranchise a new proletariat.

Urban development was thus well underway in Palestine before Rome entered the scene, stimulating production, commerce, and inter-regional trade. Although there were "urban" settlements in Palestine in earlier periods, the Hellenistic era witnessed the founding of the first Greek *poleis* along the coast (Akko [Ptolemais], Dor, Joppa, Gaza, Strato's Tower), in Transjordan (Hippos, Gadara, Gerasa, Pella, Philadelphia), and in the inland regions (Scythopolis, Samaria, Jerusalem, Marisa).⁵⁹ Mostly

⁵⁵ E.g., *P.Yad.* 16; 25.

⁵⁶ Isaac 1998, 161, 168.

⁵⁷ Harper 1928; Ball 2000, 230–45; Sartre 2005, 229–33.

⁵⁸ Woolf 1997, 3–4; Bowman 2004, 349, 353.

⁵⁹ On Hellenistic urbanization and its continuation by Rome, see Kasher 1990; Berlin 1997; Sartre 2005, 152–87; Zangenberger and van de Zande 2010; Magness 2012, 63–107; E. Meyers and Chancey 2012, 11–49.

inhabited by non-Judaeans, many of these cities were incorporated into the Judaeian kingdom by the late-second to early-first century BCE Hasmonean territorial expansion, which entailed coercing their residents to adhere to Judaeian customs and law.⁶⁰ A drastic increase in monetization concurrent with the Hasmonean expansion, as known from numismatic evidence, suggests that the Hasmonean military campaigns and incorporation of *poleis*, many of which were long-enmeshed in the Mediterranean trade network, invigorated commerce.⁶¹

The Decapolis and Coastal Cities in Transition

The slow pace of urban development and elite empowerment in Early Roman Palestine is as clear from the archaeological evidence from cities as it is from the persistence of the institutional structure of toparchies. Based on an imaginative reading of Josephus, scholars have often assumed that Rome founded and advanced cities in Roman Palestine immediately after Pompey's conquest. The archaeological evidence does not support this conclusion. Instead, the Decapolis and coastal cities were only gradually influenced by Roman administrative and cultural schemas; their most significant growth occurred after the Early Roman period. Using public building and spatial reorganization as an index of urban development and the increasing wealth of elites, I argue that only a few cities that the client-kings paid special attention to witnessed significant structural change in the Early Roman period. This change entailed the repositioning of elites within the institutional structure of the *polis* but not the sudden proletarianization of urban and rural non-elites.

The Roman general Pompey's intervention in the Levant, nullifying Seleucid and Hasmonean claims to Coele Syria, involved the "liberation" of formerly Greek *poleis* in 63 BCE. According to Josephus,

[Pompey] made Jerusalem tributary (*hypertelē phorou*) to the Romans, and took from its inhabitants the *poleis* of Coele Syria which they had formerly subdued, and put them under his own governor, and confined the whole nation, which had elevated itself so high before, within its own borders. He also rebuilt Gadara, which had been demolished a little before, to gratify Demetrius of Gadara, his freedman, and restored the rest to their

⁶⁰ S. Schwartz 1991; 2001, 36–42.

⁶¹ Syon 2004, 224–56; 2015, 57–61, 151–60; Jensen 2006, 212–14. Meshorer (1982, 98) emphasizes that the Hasmonean coins have even been discovered throughout the diaspora, at places like Antioch, Dura Europos, and on Cyprus.

own inhabitants: Hippos, Scythopolis, Pella, Dium, and Samaria, as also Marissa, Azotus, Jamnia, and Arethusia. And not only these in the interior, in addition to those that had been demolished, but also those on the coast, Gaza, and Joppa, and Dora, and Strato's Tower (this last one, which Herod refounded magnificently and adorned with harbors and temples, was later renamed Caesarea). All these Pompey left in a state of freedom (*eleutherias*), and joined them to the province (*eparchiai*) of Syria.⁶²

Josephus adds that the Syrian governor Gabinius later refounded Samaria, Azotus, Scythopolis, Anthedon, Raphia, Adora, Marisa, Gaza, Apollonia, Jamnia, Gamala (probably an error for Gadara), "and many others."⁶³ Pompey's efforts at urbanization, as carried on by Gabinius, are typically recognized by historians as the founding of the network of cities known as the Decapolis and the beginnings of Rome's urbanization of Palestine.⁶⁴ Pliny the Elder later specified that the Decapolis included Damascus, Philadelphia, Raphana, Scythopolis, Gadara, Hippos, Dion, Pella, Gerasa, and Canatha, while other ancient sources tacked additional cities onto this list.⁶⁵

Shimon Applebaum argued that this urban development project "created ... a considerable Jewish agricultural proletariat," as the liberation of these cities from Hasmonean rule caused Jewish smallholders to be pushed off of their patrimonial lots and reduced to day labor.⁶⁶ Yet, most or all of these sites were already cities during the Hellenistic period, and there is no evidence of a significant transformation in Pompey's wake. Archaeology records no widespread changes to settlement patterns at this time, nor any major urban development.⁶⁷ While coins dated according to the Pompeian

⁶² Josephus, *A.J.* 14:74–6. Cf. *B.J.* 1:155–7.

⁶³ Josephus, *B.J.* 1:166; *A.J.* 14:88.

⁶⁴ As Ball (2000, 181) puts it, in a surprising contradiction of aspects of his larger thesis, "It would be a mistake to view the Decapolis as somehow Hellenistic. Vague an administrative unit though it was, all evidence suggests that it was a creation of Pompey's annexation of Syria, and should not be seen as either Seleucid in foundation or Hellenistic in nature." See also Bowersock 1983, 30–2; Kennedy 2007, 84–5. While this widespread perspective might have some value for understanding how the Decapolis cities came to form a unit – there simply is not enough evidence to know with certainty – it gives two misleading impressions: first, that these cities either did not exist as settlements whatsoever, or were not *poleis*, in the Hellenistic period; and second, that intense urban development began immediately after Pompey.

⁶⁵ Pliny the Elder, *Nat.* 5.16.74. Cf. Ptolemy, *Geogr.* 5.1.422.

⁶⁶ Applebaum 1977, 361, developing ideas advanced in Schalit 2001, 24–33. See also Bammel 1984b, 109; Oakman 1986, 43–4.

⁶⁷ Isaac (1990a, 152) mentions Samaria as the only site with any substantial building activity that may date to this period. The construction Isaac refers to is a planned residential quarter whose construction and occupation the original excavators dated, on the basis of coins, to

year indicate that 64/63 BCE (“Year 1 of Rome” on Gadara’s coins) was central to the ideological construction of the beginning of a new era of liberation in these cities, there is no reason to envision dramatic urban development and sudden elite mobility at this time.⁶⁸ The tax revenues of the Decapolis and coastal cities would now be channeled to Rome (soon via the Syrian provincial governors) rather than the Hasmonean Crown, but there is nothing to indicate that Pompey’s recognition of the prior autonomy of these cities immediately yielded drastic institutional changes in civic administration, infrastructure, or the configuration of urban space.

During the reign of Herod, most of the Decapolis cities retained their relative, yet limited, independence as *poleis* within the province of Syria. An inscription from Madytos in the Thracian Chersonese records the career of an equestrian officer who served as prefect of the Decapolis, indicating that a prefect who answered to the Syrian governor supervised the Decapolis, much like the situation in lesser Judaea after it was annexed in 6 CE.⁶⁹ The only Decapolis cities that were detached from the province of Syria were Hippos and Gadara, which Augustus awarded to Herod along with Samaria and several coastal cities, but this was only a temporary arrangement.⁷⁰ After Herod’s death in 4 BCE, Augustus returned Hippos and Gadara, together with Gaza, to Syria.⁷¹ With the Decapolis just out of reach, then, Herod and his successors turned their attention elsewhere.

Many of the physical hallmarks of the Roman urban armature – colonnaded streets on Hippodamian grids, city gates, *fora* or *agorai*, theaters, imperial cult buildings, public baths, etc. – appeared only in the second century CE in the Decapolis cities. This timing, as known from

sometime between 78 BCE and the early part of Herod’s reign. The *terminus ante quem* is Herod’s introduction of the temple to Roma and Augustus on top of this residential quarter ca. 30 BCE (Reisner et al. 1924, 54). Thus, these houses could have been constructed anytime between the late Hasmonean period and the first decade of Herod’s rule, and cannot be closely tied to urbanization driven by Pompey and Gabinius. Against Applebaum’s thesis of a Jewish rural proletariat formed after 63 BCE, see also Gabba 1999, 108–9.

⁶⁸ On the dating of coins according to the Pompeian era, see Spijkerman 1978, 20, 316–17; Butcher 2004, 26; Kushnir-Stein 2005. On the history of the coastal and Decapolis cities in the Hellenistic period, see Kasher 1990; Applebaum 1989, 1–8; Graf 1992. For an important synthesis of archaeological and literary sources, consult G. Cohen 2006, 223–304. See also Spijkerman 1978 for the numismatic evidence from the Hellenistic era. For recent perspectives on the Decapolis, see the articles in ARAM 28 (2016).

⁶⁹ IGR 1824. For this argument, see Isaac 1998, 313–20. Isaac suggests that this administrative arrangement may have begun under Augustus, but must have been operative by the Flavian period.

⁷⁰ Josephus, *B.J.* 1:396; *A.J.* 15:217.

⁷¹ Josephus, *B.J.* 2:97; *A.J.* 17:320. According to *A.J.* 15:354–60, around 20 BCE, the citizens of Gadara sought to have their city detached from Herod’s kingdom, but were unsuccessful.

archaeological evidence, was concurrent with the construction of the Via Traiana Nova, the major road that connected the Decapolis to the rest of the empire.⁷² The earliest colonnaded streets that can be securely dated in the Decapolis cities are the *cardo maximus* of Gerasa, whose construction began in the last quarter of the first century CE, and a processional street in Petra, which was paved in the early first century CE, but only given sidewalks and colonnades in the second century CE.⁷³ The first theater to appear in the Decapolis was the southern theater at Gerasa, dedicated between 90 and 92 CE, and followed soon after by the erection of theaters at Pella and Bosra.⁷⁴ Notably, the colonnaded streets, theaters, and other urban constructions in the Decapolis cities manifest some schematic variation owing to topographical constraints and local influences, preferences, and motivations. These cities closely interacted with each other – as well as with the cities of Judaea, Samaria, and the Galilee – through the medium of architecture. They were not planned with a Roman urban cookie cutter.

The *poleis* along the coast experienced a similar pace of urban development. Because of their strategic location, however, these cities enjoyed a much longer history as urban centers as well as commercial hubs connecting the Levant to Mediterranean trade networks.⁷⁵ Yet, three of the four maritime *poleis* that Pompey liberated – Gaza, Joppa, Dora, and Strato's Tower – apparently did not experience any spatial or architectural transformation in this early period. As of yet, Josephus's claim that Gabinius rebuilt and repopulated a number of cities cannot be substantiated.⁷⁶ These maritime *poleis* seem to have undergone little public building in the Early Roman period.⁷⁷

The exception to this dearth of urban development in the Early Roman maritime cities is Strato's Tower (probably the Seleucid city of Demetrias known from coins).⁷⁸ Around 22 BCE, Herod refounded the city as Caesarea Maritima, endowing it with an adapted Hippodamian plan, temple of Roma and Augustus, theater, hippodrome/stadium (called an "amphitheater" by Josephus), underground sewage system, aqueduct, and a harbor with long breakwaters made of *pozzolana*, a hydraulic concrete imported from the Bay of Naples.⁷⁹ It was at about this time that Herod refounded

⁷² Segal 1988.

⁷³ Segal 1997, 36, 45, 48–9. See also Raja 2012, 156–71.

⁷⁴ Segal 1995, 7–8, 53–5, 61–4, 75–7.

⁷⁵ E. Stern 2001, 385–421.

⁷⁶ Josephus, *B.J.* 1:166; *A.J.* 14:87–8.

⁷⁷ Dora: Ameling et al. 2011, 831–6; Gaza: Ameling et al. 2014, 414–29; Joppa: Ameling et al. 2014, 25–8.

⁷⁸ Kushnir-Stein 1995.

⁷⁹ Josephus, *B.J.* 1:408–14; *A.J.* 15:331–41; 16:136–41. See Levine 1975, 1–33; Holum et al. 1988, 55–106; Netzer 2008, 94–118; Patrich 2011; Magness 2012, 170–82; Porath 2013; 2015.

Samaria as Sebaste in a similar manner, introducing at least a temple to Roma and Augustus, city gate, and stadium.⁸⁰ Additionally, Josephus mentions that Herod founded Antipatris as a *polis*, but it is unclear whether he introduced any urban buildings there.⁸¹ It was also in this timeframe that Augustus transformed Berytos on the Phoenician coast into a large veterans' colony (14 BCE). Although separate from Herod's kingdom, Herod and his successors were the benefactors of several monumental buildings there as well as in other places in provincial Syria and the eastern Mediterranean.⁸²

As with the rest of the Roman provinces, then, urbanization in Palestine was a gradual process that cannot be reduced to Roman imposition and provincial appropriation. Both resulting from and stimulating increased economic activity, urban development did not begin to transform the administrative and cultural institutions of most cities in Palestine until after the First Revolt, with a period of rapid urban growth ensuing in the second and third centuries CE. In the Early Roman period, the maritime and Decapolis cities operated much like they did before Pompey's troops entered the Levant.

The cities whose physical, social, and economic composition changed significantly had been targeted for urban development by Herod – namely, Caesarea Maritima and Sebaste. To each of these predominantly non-Judaean cities, Herod and other elites introduced a constellation of buildings previously unknown in the region. A driver of architectural innovation,

⁸⁰ Josephus, *B.J.* 1:403; *A.J.* 15:298. According to Netzer (2008, 81–93), the colonnaded street with shops, temple of Kore, theater, forum, and basilica are Middle Roman, although the basilica and forum may incorporate some Herodian elements. Magness (2001) has shown, however, that even the third-century CE temple of Kore incorporates architectural elements that likely belong to a Hellenistic-period temple of Isis and Sarapis, which may have been refounded by Herod as a temple to Kore. The pre-Herodian city already had orthogonal streets, and it is unclear how the city plan changed under Herod and later. See further Reisner et al. 1924. Herod's third temple to Roma and Augustus was set up in the area of Banias, which was probably a toparchy capital (Josephus, *B.J.* 1:404–6; *A.J.* 15:364). Another imperial cult building was erected, apparently as a local initiative, at Qalaat Faqra on Mount Lebanon right after the region was annexed by Rome in 44 CE (Kropp 2009, 112–17; 2013, 332–8). On the impact of the imperial cult in Early Roman Palestine and the Roman East, see Bernett 2007a; 2007b; Pollini 2008; Kropp 2009; Dirven 2011.

⁸¹ Josephus, *B.J.* 1:417; *A.J.* 16:142–3. No details about the features of the city are supplied. Usually identified as the site at Ras el-Ain, most of the remains there date to the Middle Roman period. On Antipatris and some of Herod's other smaller projects, see Roller 1998, 125–213; Netzer 2008, 218–36.

⁸² Josephus, *B.J.* 1:422. Roller 1998, 220–2. On the founding of Berytos as a Roman colony, see Isaac 1990a, 318–21, 342–4; MacMullen 2000, 1–29. For Herodian activity elsewhere in the empire, see Richardson 1996, 201–2; Roller 1998, 214–38; Netzer 2008, 237–40.

Herod was not simply an agent of Rome who refounded cities following a Roman model.⁸³ Like other client-kings – particularly Aretas IV (r. 9 BCE–40 CE) in the bordering kingdom of Nabataea – Herod broadcast his loyalty to Rome as well as his autonomy and preeminence as a Hellenistic king through monumental public architecture in his cities.⁸⁴ The king's urban development campaign focused almost exclusively on non-Judaean cities. The one striking exception was Jerusalem.

Urban Development in Jerusalem

In order to determine the socioeconomic impact of urban development in Jerusalem beginning in the time of Herod, we must investigate the question of Jerusalem's *polis* status, the changing topography and demography of the city, and its relationship to its surrounding countryside. An urban center with a long and complicated settlement history and political life, Jerusalem was the only city inhabited primarily by Judaeans that Herod developed. Literary sources and archaeology attest to extensive building activity in Jerusalem during the reign of Herod, beginning around 20 BCE and continuing long after the king's death in 4 BCE. This construction involved the introduction of some components of the Roman urban armature, but even more prominently, Herod's rebuilding of the Judaean Temple and its platform, which combined Israelite, Hellenistic, and Roman architectural institutions. The abundant evidence of urban growth and cultural change in Jerusalem in the Early Roman period betrays the emergence and empowerment of new Judaean elites, but evidence from the countryside does not indicate that this growth increasingly impoverished non-elites.

No literary or epigraphic source describes Herod founding or refounding Jerusalem as a *polis*. This is surprising considering the central role of Jerusalem in Judaean political and religious history in the Herodian period. Victor Tcherikover famously argued that this is because the Judaean city never became a Graeco-Roman *polis*.⁸⁵ He claimed that Jerusalem was only masquerading as a *polis*. In this assertion, Tcherikover relied too heavily on the idealized model of the politically independent "Classical Greek *polis*." He also presupposed tenuous distinctions between *ethnos* and *polis* and theocracy and democracy that are rooted in the orientalizing categories of

⁸³ Herod was at the forefront of architectural innovation rather than simply a recipient of Roman architectural ideas. See R. Taylor 2014.

⁸⁴ On the monumental building of Aretas IV, see Bowersock 1983, 61.

⁸⁵ Tcherikover 1964.

modern historiography.⁸⁶ To prove his argument, Tcherikover emphasized that the city's high priests were sometimes called *archontes*, but were not elected, and its Sanhedrin was sometimes called a *boulē*, but was a religious rather than municipal institution. What definitively disproves Jerusalem's status as a *polis*, however, is its lack of a *gymnasium*, for, "Without a gymnasium ... no city is a polis."⁸⁷

Tcherikover raised challenging questions about the civic profile of Jerusalem, but his argument cannot be accepted. As Lee Levine points out, the official letter preserved by Josephus from the emperor Claudius to "the *archontes*, *boulē*, and *dēmos* of Jerusalem" is substantial evidence that Jerusalem was recognized as a *polis*.⁸⁸ Additionally, Josephus's multiple references to the city's *boulē*, *bouleutērion*, *bouleutai*, and *deka prōtoi* resist any simple equation with the Sanhedrin.⁸⁹ Furthermore, the *gymnasium* and *ephebeum* were introduced into the city as part of the high priest Jason's reforms under Seleucid rule and there is no reason to expect that these institutions were ever banished.⁹⁰ That Josephus does not make note of their presence in Roman Jerusalem is of little consequence, for he also does not mention them in cities he explicitly describes as being transformed into *poleis* by the Herods, such as Caesarea Maritima and Tiberias.⁹¹ The likelihood that the coins of the Hasmoneans and Herod were minted in Jerusalem further supports, though cannot prove, its status as a *polis*.⁹² Though a city in which earlier Judaeian institutions related to the Judaeian Temple and priesthood merged with and coexisted alongside the institutional structure of the *polis* in distinctive ways, Jerusalem had the trappings of a *polis* since Jason's reforms in 175 BCE.⁹³ Like other Early Roman *poleis* in the eastern provinces, the city would have had far less autonomy than the *poleis* of both Classical history and Aristotelian imagination.

⁸⁶ On the historiographic biases, see Eckhardt 2014.

⁸⁷ Tcherikover 1964, 78 (my ellipsis).

⁸⁸ Levine 2002, 266. The reference is to Josephus, A.J. 20:1–2, 11. According to Tcherikover (1964, 75–6), the letter employs formulaic language, but where it matters speaks of the *ethnos* rather than the *polis*. But this is because the letter deals with concerns pertaining to the *ethnos* rather than just the *polis* – that is, the keeping of the high priest's vestments. The letter is correctly addressed, however, to the *polis* where the priestly leadership of the *ethnos* lived.

⁸⁹ Levine 2002, 267–9. On the "Sanhedrin," see further Chapter 3.

⁹⁰ 1 Macc 1:14; 2 Macc 4:9–12. Cf. Josephus, A.J. 12:241.

⁹¹ In B.J. 1:422, however, Josephus records that Herod gave *gymnasia* to Tripoli, Damascus, and Ptolemais.

⁹² Ariel and Fontanille 2012, 97–8.

⁹³ Grabbe 2002; Levine 2002, 267; Ameling 2003.

Herod devoted considerable attention to Jerusalem's urban topography and institutions, enhancing its status as a *polis*. Herod and his successors most likely did not formally refound Jerusalem as a *polis*, at least according to the surviving evidence, because they would not have been able to do so without provoking their Judean subjects. To do so should have entailed, among other things, renaming the holy city in honor of the imperial family (e.g., Caesarea, Sebaste, Julias) and introducing an imperial cult temple that could not have been overshadowed by the Judean Temple. Thus, Herod went about urban development without making much ado about the official status of the city. Aside from palaces for himself and his family, he was also responsible (undoubtedly in concert with the city's elites) for the construction of the theater, amphitheater, hippodrome, *bouleutērion*, the so-called "Xystus," Antonia fortress, Triple Western Towers, and aqueduct system, as well as the transformation of the Siloam waterworks into a public pool, possibly for pilgrims to use before ascending from the City of David to the Temple Mount.⁹⁴

In lieu of establishing a temple to Roma and Augustus in the holy city, Herod rebuilt the Judean Temple, raising it onto a massive platform, or *temenos* (see Figure 4.1). Recent excavations have uncovered a ritual bath projecting under the southern end of the western wall of the Temple Mount whose *terminus post quem* is supplied by coins that were found in its fill, which were minted under the prefect Valerius Gratus around 17/18 CE.⁹⁵ This discovery may indicate that the construction of the Temple Mount was not completed in Herod's lifetime, or at least that the wall underwent some repairs in the first century CE, nonetheless proving ongoing construction activity. In either case, it should not be surprising that such a massive project would take more than a generation to complete. Archaeological evidence, thus, now supports the remark in the Gospel of John (2:20) that the Temple was still under construction during the period of Jesus's ministry as well as Josephus's comments on the completion of the project in 64 CE: "Just now, too, the Temple had been completed. The people therefore saw that the workmen, numbering over 18,000, were out of work and would be in need of wages, for they earned their living by working on the Temple."⁹⁶ After negotiations, Agrippa II, who was at this time functioning

⁹⁴ For Herod's building program in Jerusalem, see, *inter alia*, Richardson 1996, 174–202; Roller 1998, 174–82; Levine 2002, 187–254, 313–50; Netzer 2008, 119–78. On the Siloam Pool, see Reich and Shukron 2011; Gibson 2009, 71–80. See also Gurevich 2017 on the new water supply infrastructure implemented to accommodate the needs of pilgrims and animals in the city.

⁹⁵ Shukron 2013.

⁹⁶ Josephus, A.J. 20:219. According to Josephus, the construction of the Temple proper required 1,000 priests working for one year and six months while the porticoes took 10,000

as ethnarch in the province of Judaea, agreed to keep some of these workers employed by commissioning them “to pave the city with white stone.”⁹⁷ This account reveals that Jerusalem contained some unpaved streets in the 60s CE.

The recent rediscovery of a portion of the remarkable “Herodian road” that ascended from the Siloam Pool to the area of Robinson’s Arch on the western side of the Temple Mount gives a sense of the type of paving project these laborers took on (see [Figure 1.1](#)). It probably served as a processional way for pilgrims but also continued through the Tyropoeon Valley. This major thoroughfare was partially lined by shops (the “Lower Market”) and had at least one podium structure alongside it, the function of which remains a mystery.⁹⁸ Approximately 8 meters wide and 600 meters long, this stepped street was paved sometime in the mid first century CE and was probably completed before 64 CE.⁹⁹ Nevertheless, the scale and workmanship of this road, a strong candidate for the city’s *cardo maximus* at the time, is illuminating. Although Josephus may have exaggerated the number of workers, his account clues us in to an aspect of urbanization that gets suppressed by the consumer city model: the provision of extensive employment opportunities.¹⁰⁰

The labor involved in building public structures would have required workers ranging from unskilled day laborers to skilled artisans, architects, and foremen. Agrippa I’s project of rebuilding the city wall in the early 40s CE would also have generated a considerable amount of work, and the substantial extension of this wall in order to incorporate the “New City” called

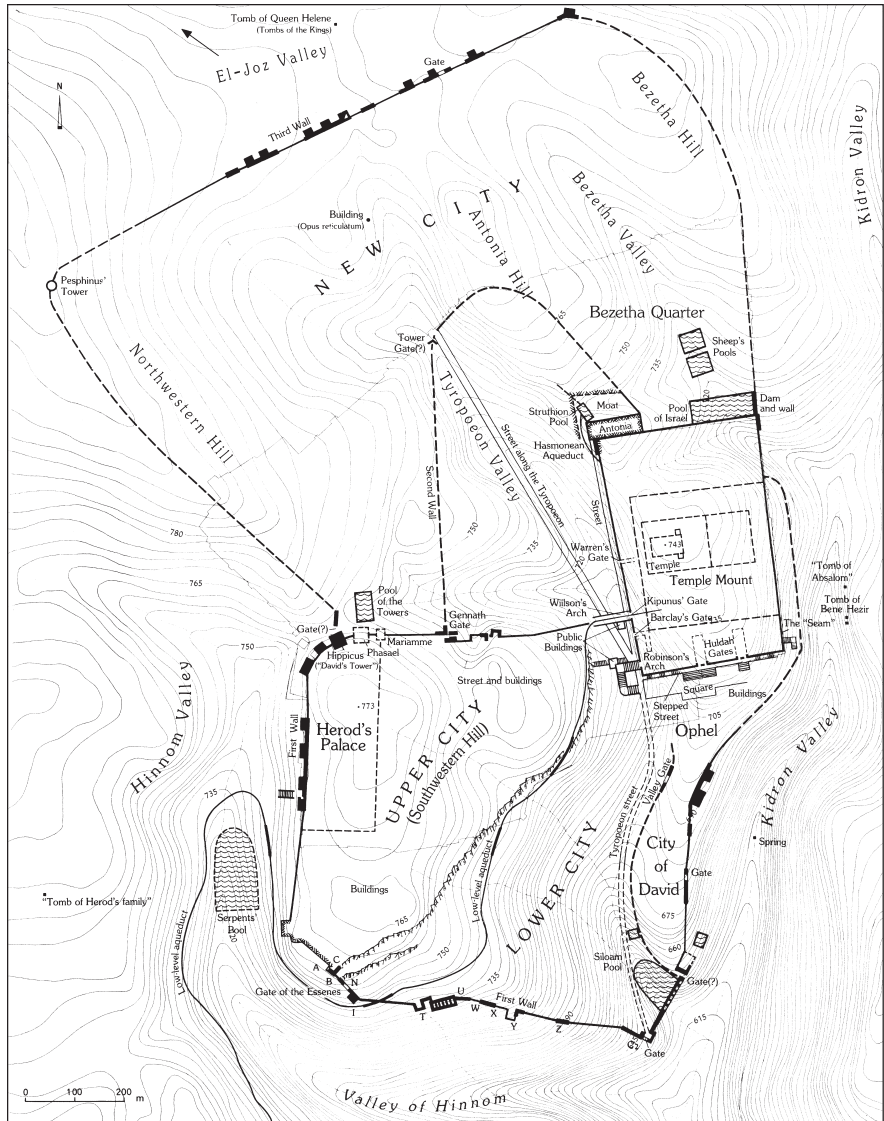
workers eight years (*A.J.* 15:390, 420–1). See Geiger 2009 on the plausibility of these numbers. Lapin (2017a, 440 n. 69, 441) concedes that the figure 18,000 is “excessively high,” but he explains that a massive labor base would have been required nevertheless. He calls attention to DeLaine’s (1997) work on the Baths of Caracalla in Rome, in which she estimates that 11,000–13,000 workers would have been needed, and especially during peak months and years of this six-year construction project.

⁹⁷ Josephus, *A.J.* 20:222.

⁹⁸ On the shops, see *NEAEHL* II: 739–40; Ben-Dov 1982, 114; Levine 2002, 345. Jeremias (1969, 19) has collected some of the rabbinic evidence, much of it very late, for the Lower Market. On the pilgrimage road, see Tepper and Tepper 2013. As for the function of the podium, Uziel and Szanton (2015), its excavators, have suggested that it may have been an auction block or the “Stone of Claims” mentioned in rabbinic sources as a place in Jerusalem where pilgrims could report and claim lost items.

⁹⁹ Mazar 2002, 37–41; Reich 2011, 238–41. E. Meyers and C. Meyers (2014, 9–11) rightly call into question the political agenda of the right-wing organization that funded the excavations of this road beneath the Palestinian village of Silwan.

¹⁰⁰ See Schalit 2001, 329–30 n. 641; Jeremias 1969, 21–7; Gabba 1999, 125; Geiger 2009; Lapin 2017a, 440–1.



Bezetha further reflects the swelling population of non-elite workers in the city (see [Figure 1.1](#)).¹⁰¹ In sum, urban development created work for non-elites that would not otherwise have been available, and would be sorely missed when urban development decelerated.

The large presence of non-elites in the city does not detract from the impression that Jerusalem was home to a growing number of wealthy Judean elites. Archaeologists have unearthed several mansions in the “Upper City” of Jerusalem, today’s Jewish Quarter, most of which date no earlier than the end of the reign of Herod (see [Figure 1.2](#)).¹⁰² Additional mansions discovered in other parts of the city, such as the large complex tentatively attributed to the Adiabeniens at the Givati site in the City of David, a mansion currently being excavated at Mount Zion, and the nearby “Caiaphas House,” indicate that elites were not quartered off in the Upper City, as is often assumed.¹⁰³ Michael Avi-Yonah’s famous model of Jerusalem at the Israel Museum reflects this class divide between the city’s Upper and Lower parts by constructing the Upper City mansions with red roof tiles (*tegulae*). As Shimon Gibson notes, however, red roof tiles have never been found in the Upper City, nor anywhere else in Jerusalem.¹⁰⁴ To be sure, archaeology confirms that the Upper City region wedged between the Temple Mount and the Herodian palaces contained the homes of some of Jerusalem’s most prominent elites; nevertheless, the Upper City/Lower City class divide does not hold up.¹⁰⁵ Wealthy Judean elites had an imposing presence within the city by the end of the Second Temple era, as pilgrims surely would have recognized.

The archaeological data from the Jewish Quarter mansions supplies valuable chronological information (see [Figure 1.2](#)). One of the earliest known

¹⁰¹ Josephus, *B.J.* 2:12, 44, 529–30; 5:149–51, 246, 331; *A.J.* 14:339; 15:410. See Levine 2002, 337–40; Geva 2007. This sparsely populated area was probably the center of some industrial activity, such as stone-quarrying, as well as agricultural cultivation. It was also apparently the site of pilgrim camps.

¹⁰² The publications of the Jewish Quarter excavations are still in progress. Thus, the fullest overviews of the mansions remain Avigad 1983, 81–204 and 1989. See also Levine 2002, 326–35. The final reports are Geva 2000; 2003; 2006b; 2010d; 2014; Gutfeld 2012.

¹⁰³ Josephus locates the house of Ananias the high priest in the Upper City (*B.J.* 2:426), but he also notes that the Adiabeniens palaces were south of the Temple Mount (*B.J.* 4:567; 5:252–3). For the Giv’ati complex, see Ben-Ami and Tchekhanovets 2011; Ben-Ami 2013, 22–31; Notley and García 2014. While the Early Roman complex (Building 760) should be considered a mansion, its upper story has not been preserved and the remaining rooms reveal little about the lifestyle of its inhabitants. For the Mount Zion mansion currently being excavated, see Gibson 2010. On the other Mount Zion mansion, the so-called Caiaphas house, see Broshi 1975. See also Greenhut 2011.

¹⁰⁴ Gibson 2009, 51.

¹⁰⁵ Greenhut 2011.

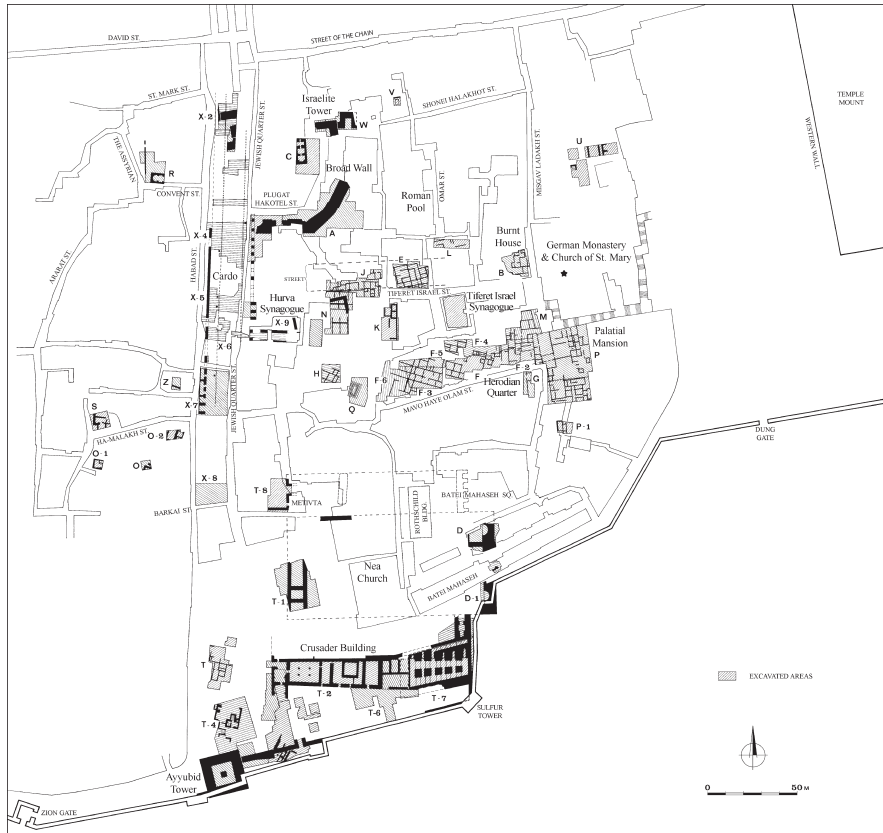


FIGURE 1.2 Plan of the Jewish Quarter Excavations in Jerusalem. Courtesy of Hillel Geva and the Israel Exploration Society.

buildings constructed in Herod's reign is the "Herodian Residence" (Area E). On the basis of numismatic and ceramic finds, it appears that the Herodian Residence had a very short occupational period between about 20 BCE and 15 or 12 BCE.¹⁰⁶ While the house does not disclose signs of excessive wealth or a distinctly Graeco-Roman elite culture, it does show that its inhabitants lived comfortably above subsistence. Organized around a wide inner courtyard, it was constructed of fieldstones and partially dressed stones. It also

¹⁰⁶ Avigad (1983, 85) originally dated the construction of the "Herodian Residence" to the late Hasmonean period, but in the final reports, the excavators argue that further analysis of the stratigraphy, ceramics, and especially coins demonstrates that stratum 3 in Area E (and Area J), which contains the Herodian Residence (Building 721), was only in use from about 20 BCE to 15–12 BCE (Ariel 2006; Geva 2006a, 33).

had a large vaulted *miqveh*, niches in its walls for pottery and foodstuffs, and clay ovens in its courtyard. The building was evacuated when a substantial east–west street paved with limestone flagstones was constructed over it, stretching also over Area J.¹⁰⁷ While this house was nowhere near as large and extravagant as the mansions that would later be built in this area, it belonged to a family that was more than financially stable.

It is clear that by the mid first century CE, many of Jerusalem's elites participated significantly in the wider cultural institutions of Roman elites.¹⁰⁸ The capacious, lavish mansions that were built in the Upper City subsequently, perhaps as part of the same urban development project that included the pavement over the Herodian Residence, were erected sometime between the final years of the first century BCE and the early to mid first century CE.¹⁰⁹ Filled with Hellenistic and Roman style frescoes, stuccowork, mosaics, and imported luxury items, these mansions reflect a different socioeconomic level and cultural institutions than the Herodian Residence. This appears to be an indication of the growing wealth and changing culture of elites around the turn of the eras and into the first century CE, but we should be cautious about assuming a unilinear evolution from the Herodian Residence to the later mansions since *comparanda* for the reign of Herod are lacking. The discovery of numerous stone scale weights and coin molds further indicates that the inhabitants of these houses oversaw, in some way, economic activities within the city.¹¹⁰

That the residents in some or all of the Jewish Quarter mansions were Judean priestly elites is suggested by at least three points. The first is the position of these mansions directly across the Tyropoeon Valley from the Temple, making for an astounding view as well as quick access to the Temple via the bridge from the Upper City to the Temple Mount known as Wilson's Arch. The second is the discovery in one of the mansions of a graffito depicting cult items, including one of the earliest depictions of a menorah.¹¹¹ The third is a stone scale weight inscribed "[Of] Bar Qathros,"

¹⁰⁷ Geva 2006a, 64–9. Cf. Avigad 1983, 88, 94.

¹⁰⁸ Among others, see Berlin 2014a.

¹⁰⁹ Although Avigad (1983, 81–3) was not very specific about the dating of the mansions, he repeatedly implied that their construction began late in the reign of Herod. See especially his entry in *NEAEHL* II: 729–35. Of the (at least) six mansions fully or partially excavated (the Western House in Area F-3, the two residences constituting the Middle Complex in Areas F and F-4, the Palatial Mansion in Area P, the Peristyle Building in Area M, and the Burnt House in Area B), a final report has only been published for the Burnt House as of yet.

¹¹⁰ For further discussion of this evidence, see Chapter 5.

¹¹¹ Habas 2003.

betraying some association with a first-century CE high priestly family known from Josephus and remembered by the rabbis as exploitative.¹¹² Although burn layers have been cited since their discovery as evidence that these mansions were destroyed by the Romans in 70 CE, building activity in the Burnt House subsequent to the burn layer suggests that the mansions may not have been destroyed by the Romans. Hillel Geva proposes that the Burnt House, at least, may have been destroyed as part of the struggle between the rebels and the priestly elites or as part of the infighting among Jerusalem's elites months before the destruction.¹¹³

If ever there was a city in the ancient world that seemed a perfect candidate for the consumer city, it is Jerusalem in the Early Roman period. Not only is there abundant archaeological evidence of priestly elites in the city with considerable wealth, but there is also some indication of the economic and cultural institutions undergirding their wealth. With divine authority, the Torah mandates a number of tithes and sacrifices that should be given to priests, simultaneously legitimating priests as socially and religiously prominent and sanctifying several economic institutions through which wealth is transmitted from non-priestly Judaeen landholders to the Jerusalem Temple priests. Based on his attempts to model these transactions using quantitative data culled from the Torah, Josephus, the Mishnah, archaeology, and contemporaneous *comparanda*, Hayim Lapin has concluded that Jerusalem was indeed a consumer city because the amount of consumption guaranteed by the Temple system far exceeded the amount needed to sustain the population of Jerusalem. He emphasizes, however, that this consumption was a stimulus to economic activity in both city and hinterland, rather than detrimental to the latter.¹¹⁴

Pilgrimage was an institution that played an important role in this consumption enterprise. The economic stimulus caused by pilgrimage may have been deliberate if Martin Goodman is correct that Herod's rebuilding of the Temple was part of a propaganda program intended to promote pilgrimage and thus bolster Jerusalem's economy.¹¹⁵ According to Mishnaic sources, it even became a quasilegal custom for pilgrims to pay to lodge in the courtyards of Jerusalem householders with the hides of sacrificed animals.¹¹⁶ Thanks to the centrality of Torah and Temple to Judaeen practice, Jerusalem's priestly elites were bound to consume beyond their subsistence

¹¹² CIIP I.1 674. For the identification of the Burnt House with this family, or at least with priestly elites of the first century CE, see Avigad 1983, 129–31; J. Schwartz 2010.

¹¹³ Geva 2010a, 66–9. See Josephus, B.J. 2:426–9; 5:424–41.

¹¹⁴ Lapin 2017a; 2017c. See Chapter 4 for further discussion.

¹¹⁵ Goodman 1999. See also Broshi 2001, 188–97.

¹¹⁶ S. Safrai 1965, 132–5.

needs. Yet, this unequal relationship had been the case since the beginning of the Second Temple period and was no Roman novelty. That is, urban development that began under Herod did not create this inequality, but facilitated it in new ways. Herod's renowned reconstruction of the Temple and its precincts, along with the creation of infrastructure in Jerusalem to support an influx of pilgrims during festivals, surely accelerated Jerusalem's consumption, as did population growth.¹¹⁷

Yet the scale of Jerusalem's consumption does not necessarily signal the systematic impoverishment of its immediate countryside. A recent zoo-archaeological study of goat and sheep remains discovered in the "City Dump" from Early Roman Jerusalem indicates that the specialized pilgrimage economy of the city supported vectors of consumption that are more complicated than the model of a city exploiting its *chōra*.¹¹⁸ About 52 percent of the caprid remains in the dump originated in steppe/xeric Mediterranean regions like the surroundings of Jerusalem. Farm sites near Jerusalem like Shu'fat and Tell el Ful contained a similar percentage of steppe/xeric caprid remains but also considerable quantities (about 25%) of mesic Mediterranean remains. The latter were only found in very small quantities in Jerusalem (less than 11%). This data suggests that, while the farms around Jerusalem were contributing to the meat market in the city, much of the meat was coming from further abroad and likely in connection with pilgrimage. The most striking result of this study is that 37 percent of caprid remains in Jerusalem originated in desert regions at a distance from Jerusalem, and most likely the desert of Nabataea. Thus, "most of the desert caprids that were identified in Jerusalem refuse deposits must have arrived from outside the province's boundaries."¹¹⁹ Jerusalem's pilgrim economy, then, stimulated inter-provincial trade and was not simply a matter of consuming the resources of the city's countryside.

In addition to consuming resources, Jerusalem also produced a significant amount of resources. As Levine notes, the complex economic practices of Jerusalem cohere with the expectations of a "producer city" or "service city" as much as a "consumer city," while defying categorization according to these static models.¹²⁰ Aside from the jobs created by large-scale construction, urban development also stimulated technological innovation and new forms of production in Jerusalem, most notably the stone industry. Around the same time that Herod's urban development of Jerusalem got underway (ca. 20 BCE), Jerusalemite stone workers began mass-producing

¹¹⁷ On the role of population growth, see Goodman 1996, 768–9.

¹¹⁸ Hartman et al. 2013.

¹¹⁹ Hartman et al. 2013, 4374.

¹²⁰ Levine 2002, 344.

various types of stone vessels and ossuaries.¹²¹ These served the population of Jerusalem, but the stone vessels, at least, also spread throughout Palestine in the hands of pilgrims returning from the city.

Similarly, a certain type of oil lamp, the “Herodian” lamp, proliferated around the turn of the eras. Although the Herodian lamps used by Judaeans were mainly produced in the Jerusalem vicinity, the lamp quickly made its way north to the Galilee.¹²² A relief on the so-called “Magdala Stone” from the synagogue of Magdala in the Galilee depicts this lamp as part of a symbolic constellation including a menorah and other cultic symbols, ideologically linking it to the Jerusalem Temple.¹²³

Additionally, the finds from the Jewish Quarter and City of David excavations show that other types of production took place in the city, such as spinning and glassworking.¹²⁴ These finds also included a number of imported household items and even imported timber, demonstrating that Jerusalem was interconnected with trade networks stretching well beyond the city’s hinterland.¹²⁵ Even these few examples should suffice to show that Jerusalem’s economy cannot be reduced to the consumption of the products of the countryside.

From Jerusalem’s “hinterland,” evidence is absent for urban consumption causing impoverishment. An initial problem in determining the relationship of Jerusalemites to those living in the city’s rural surroundings involves delineating the area of the city’s *chōra* (“countryside”). According to Tcherikover, all of Judaeon Palestine was Jerusalem’s *chōra*.¹²⁶ In part, he is correct. Because of tithing, pilgrimage, and the authority of the city’s

¹²¹ Magen 2002, esp. 16; Gibson 2003, esp. 304. See further Chapter 5.

¹²² Adan-Bayewitz et al. 2008. See further Chapter 3.

¹²³ See Aviam 2013b; De Luca and Lena 2015, 313–17; Binder 2014; Fine 2017.

¹²⁴ On the refuse from a glass workshop dumped in Area J in the Herodian period, prior to the construction of the street over the area, see Avigad 1983, 186; Israeli and Katsnelson 2006. Spindle whorls have been found in a number of contexts in Jerusalem and in the Jewish Quarter excavations in particular (e.g., Nenner-Soriano 2010 on the thirty-two whorls found in the Burnt House; it is worth noting that those doing the spinning in elite domestic contexts may have been slaves).

¹²⁵ Avigad (1983, 107, 117) mentions some of the most striking imported items from the Jewish Quarter excavations, such as the ornamented blown glass pitcher made by Ennion of Sidon. Magness (2011, 39) discusses imported fish sauces in the Herodian palaces and Jewish Quarter mansions. On evidence from the city dump that Jerusalemites ate at least four different types of Nile fish in the Early Roman period, and therefore must have engaged in trade with Egypt, see Bouchnick et al. 2009. On the use of imported timber for construction in Jerusalem, probably sold at the city’s Timber Market (Josephus, *B.J.* 2:530: Δοκῶν ἀγοράν; 4Q384, l. 18: שוק הקורות), see Liphshitz 2010, 303–4. For further analysis of Jerusalem’s trade patterns, on which much work still needs to be done, see Pastor 2010.

¹²⁶ Tcherikover 1964, 70.

priestly elites, Jerusalem did control Judaeen Palestine to an extent, acting as the *de facto polis* to a Judaeen *chōra*, with scrutable economic ramifications. However, the city had neither the autonomy nor the exploitative relationship with the countryside that Tcherikover and others have attributed to it. Caesarea was the capital and administrative center of the province, and Jerusalem was subordinate to it, at least after 6 CE.¹²⁷

When Josephus lists the toparchies of Judaea, he declares that Jerusalem reigned supreme – that it rules “the surrounding localities (*perioikou*) as the head does the body.”¹²⁸ In this apologetic exaltation of Jerusalem, Josephus does not supply precise administrative information. In his accompanying list of toparchies, he mentions several whose centers fall especially close to Jerusalem, such as Jericho and Herodium. Temple economics aside, Jerusalem does not seem to have directly administered anything more than one of the eleven toparchies of Judaea.

If we turn, then, to agricultural production sites in the immediate vicinity of Jerusalem, we find a trend towards economic intensification (e.g., more wine and olive presses), not impoverishment.¹²⁹ In addition to having an array of agricultural installations, several Judaeen villages erected public buildings (i.e., synagogues) in this period – for instance, Qiryat Sepher, Ḥorvat ʿEthri, and Khirbet Umm el-ʿAmdan.¹³⁰ Meanwhile, Hellenistic farmsteads continued in use, while a number of new modest farmsteads appeared, and some older farmsteads began to serve new purposes.¹³¹ At the Qalandiya site 8 kilometers north-west of Jerusalem, for instance, a Hellenistic viticulture and wine-manufacturing settlement was turned in the Early Roman period into residential quarters for laborers working at the nearby quarries.¹³²

This change at the Qalandiya site directly reflects the influence of urban development in Early Roman Jerusalem on its immediate non-urban surroundings. The wine produced at the Hellenistic settlement at Qalandiya was as likely to be consumed in Jerusalem, and perhaps specifically by

¹²⁷ E.g., Josephus, *B.J.* 2:407: “The king, seeing that the passions of the revolutionaries were now beyond control, and indignant at the insults which he had received, sent the magistrates and principal citizens to Florus at Caesarea, in order that he might appoint some of their number to collect the tribute in the country; he then withdrew to his own dominions.”

¹²⁸ Josephus, *B.J.* 3:52.

¹²⁹ See also Lapin 2017c.

¹³⁰ Zissu 2001, xxviii, 263–7.

¹³¹ See Zissu 2001, xxiv–xxv; 249–70.

¹³² Magen 2004.

the Temple, as were the products of quarrying.¹³³ Both industries hired skilled and unskilled wage laborers, probably under specific contracts that included temporary housing. How the wages of workers in the two situations compared is unclear, although it is worth noting that mounting urban demand and population growth may have exacerbated working conditions in various ways.¹³⁴ But ultimately, the urban development of Jerusalem seems to have generated new types of work and more work, not increased poverty.

Urban Development in the Galilee

Herod's projects throughout Palestine were continued after his death, but his successors created few new *poleis*. Based on the available evidence, very little new urban development took place under Archelaus and Philip. Meanwhile, urban development under Antipas has been exaggerated in concert with anti-imperial resistance models of the origins of the Jesus movement. A reexamination of the literary and archaeological evidence for urban development in the Galilee again betrays a slow process that involved the increasing wealth and power of urban elites. There is some evidence to suggest that the repositioning of elites within the institutional structures of *poleis* and toparchies corresponded to increased opportunities for non-elites, but at the least the positions of non-elites were not suddenly impaired as a result of urban development.

¹³³ Magen 2004, esp. 44, 74. For the interesting argument that the appearance of ritual baths in close proximity to agricultural installations in the late Second Temple period (at Qalandiya and numerous other sites) is related to the growing preference among consumers in Jerusalem (and its environs) for ritually pure food, see Adler 2008.

¹³⁴ NIE approaches often posit that population increase does not necessarily correspond to the depletion of resources. North (1981, 16), for instance, emphasizes the relation between demography, technology, and institutions. He points out that, at various points in history, population growth and technological innovation have coincided with alterations in the efficiency of economic institutions to broaden the resource base. In the Roman provinces, urban development induced institutional changes that increased agricultural and nonagricultural productivity without necessarily having a negative impact on the wellbeing of individuals (Scheidel 2007). Population growth in antiquity did, however, facilitate the spread of infectious diseases, which consequently constrained the rate of growth (Reed 2014). This principle calls into question the prevalent assumption that the economic conditions of the Judaean masses in Palestine were suddenly exacerbated following annexation by Rome. Scholars have estimated that the population of Palestine approached three-quarters to one million people in the first century CE, of which 600,000 were Judeans (Broshi 2001, 86–120; Lapin 2017c; cf. Hamel 1990, 138). While it is impossible to be precise about the size of the population or the rate of its growth, it is clear

Few clues have survived regarding urban development under Archelaus and Philip. Archelaus created one new *komē*, Archelais, 12 kilometers north of Jericho at modern Khirbet el-Beiyudat, where public structures from his time are yet to be found.¹³⁵ Philip (r. 4 BCE–34 CE) established the capital of his tetrarchy at Banias, which was probably the capital of a toparchy since the time of Herod.¹³⁶ According to his coins, Philip turned Banias into a *polis* in 3 BCE, yet most of the archaeological remains from the site date to the late first to early second century CE, suggesting that construction under Philip may not have been extensive.¹³⁷ Josephus remarks that Philip also advanced the “*komē* of Bethsaida, located at the lake of Gennesaret, to the dignity of a *polis*,” and renamed it Julias.¹³⁸ Excavators claim to have found this city, which ancient sources situate on the shore of the lake, at et-Tell, but the identification is doubtful. The problem is that the late Hellenistic village at et-Tell is 3 kilometers north of, and approximately 7 meters higher than, the lake.¹³⁹ A new excavation at el-Araj (a site near et-Tell but closer to the sea) has already revealed some finds that suggest that it is a better

from archaeological evidence that there was population growth in Early Roman Palestine (Goodblatt 2010, 106–8). On population growth in Jerusalem: Levine 2002, 339–43; Geva 2007; Rocca 2008, 332–4; in Judaea: Zissu 2001.

¹³⁵ Josephus, *A.J.* 17:340. For the identification of Khirbet el-Beiyudat as Archelais and a brief discussion of the remains at the site, see Hizmi 2008. A large ashlar tower and palace/mansion there probably also date to the time of Archelaus, but as of yet, no typical urban buildings have been found at this village site. Josephus reports that Archelaus also rebuilt Herod’s palace at nearby Jericho, but archaeology has not yet been able to verify any building activity at the Hasmonian palaces during Archelaus’s reign (E. Meyers and Chancey 2012, 116).

¹³⁶ Josephus, *B.J.* 2:168; *A.J.* 18:28. Herod had established a temple of Roma and Augustus at the place (*topos*) called Paneion (*B.J.* 1:404–6; *A.J.* 15:364), either at the city itself or in its region (e.g., at nearby Omrit, where an impressive temple from the period has been excavated: Overman et al. 2007; Overman and Schowalter 2011; Nelson 2015). Because Josephus describes the Paneion as a district or region and Mark 8:27 speaks of τὰς κώμας Καισαρείας τῆς Φιλίππου (cf. Matt 16:13: τὰ μέρη Καισαρείας τῆς Φιλίππου), Banias was probably the capital of a toparchy during the reign of Herod. In *A.J.* 18:28, Josephus implies that Philip improved Banias upon his accession, but does not mention him turning it into a *polis*. However, the parallel in *B.J.* 2:168 says that Philip turned the city into a *polis* upon the accession of the emperor Tiberius in 14 CE. Little information is preserved about the administration of the city in this period, other than that Philip and Agrippa II lived there and considered it their capital. Agrippa II refounded Caesarea Philippi as Neronias in 61 CE and later inscriptions refer to the city’s *boulē*. See further J. Wilson 2004, 18–37, 51, 197 nn. 77–9.

¹³⁷ Meshorer 1984–5; J. Wilson 2004, 19. On the archaeology of the site, see *NEAEHL* I: 136–43.

¹³⁸ Josephus, *B.J.* 2:168; *A.J.* 18:28.

¹³⁹ Notley (2007) convincingly argues that the site at et-Tell is incompatible with the descriptions of Josephus and the New Testament texts, which position the city right on the lake.

contender for the site of Bethsaida than et-Tell (e.g., a bathhouse) but the excavations are ongoing.¹⁴⁰

A more significant degree of urban development characterized the tenure of Antipas (r. 4 BCE–39 CE) as tetrarch of Galilee and Peraea, but less than is often assumed. About the beginning of Antipas's reign, Josephus relates that "Herod [Antipas] built a wall around Sepphoris, the security of all Galilee (*proschēma tou Galilaiou pantos*), and called it Autocratoris. He also built a wall around another *polis*, Betharamphtha [in Peraea], which he called Julias, after the name of the emperor's wife."¹⁴¹ That Antipas would make Sepphoris his capital in the Galilee at first is not surprising since it previously was made the seat of a *synedrion* by Gabinius and likely served as the capital of a toparchy since at least that time.

Sepphoris's status as a *polis* is dubious, however, as neither Josephus nor archaeology attest to public urban buildings or civic magistrates in the city in the Early Roman period. In several important essays, Zeev Weiss points out that while Josephus often makes note of urban officials (*archontes*, *deka prōtoi*, *bouleutai*, *hyparchoi*, and *agoranomoi*), administrative buildings (e.g., royal bank, archives, palace), and other public buildings (e.g., stadium) in Tiberias, he mentions none of these with regard to Sepphoris.¹⁴² Only when the royal bank and archives were moved to Sepphoris in 61 CE, and when the Sepphoreans gave their allegiance to Rome during the First Revolt, did Sepphoris become a city.¹⁴³ In 67/68 CE, the city minted coins for the first time, boasting its new name as Neronias-Sepphoris, Eirenopolis ("City of Peace").¹⁴⁴ Sepphoris must have been some sort of an administrative hub and urban settlement centered on the *acropolis* prior to this time, but it was not the Roman consumer city that it has often been considered.¹⁴⁵

To raise the level of the water to the alleged docking facilities at et-Tell, as some have suggested, would inundate all of the ancient harbors found elsewhere around the lake, including even the harbor at Magdala, which is about 3 meters higher than most of the other landings along the lake (De Luca and Lena 2014, 114–19, 145). For recent articulations of the position of the excavators that et-Tell is Bethsaida, see Shroder et al. 2009; Arav 2011.

¹⁴⁰ Aviam and Notley 2017.

¹⁴¹ Josephus, A.J. 18:27.

¹⁴² Note that Josephus does mention an *agora* in Sepphoris, however (Vit. 104–11). See Weiss 2007, much of which is recycled in Weiss 2015; 2016.

¹⁴³ Josephus, Vit. 38. See E. Meyers and Chancey 2012, 142–4.

¹⁴⁴ E. Meyers 1999, 116; Meshorer 2001, 102–5.

¹⁴⁵ In an important re-evaluation of the inflated population estimates for Sepphoris, Schumer (2017) has proposed that Early Roman Sepphoris was home to only about 2,500–5,000 people.

From the archaeological remains, it appears that Sepphoris experienced significant urban development only in the late first to early second century CE, at the same time as the Decapolis cities.¹⁴⁶ The *cardo* and *decumanus* in the Lower City – the main thoroughfares that calibrated a larger street network – date to the early second century CE according to ceramics and a coin from the reign of Trajan (98–117 CE).¹⁴⁷ A monumental building with a peristyle courtyard located near the intersection of the *cardo* and the *decumanus*, which has been regarded as a basilica, must date later than these streets since they provided its orientation.¹⁴⁸ Finally, Weiss argues strongly for a late first- to early second-century CE date for the city's theater on the basis of architecture, a ceramic assemblage from a sealed locus, and the general development of Sepphoris.¹⁴⁹

There is not much archaeological evidence evincing changing administrative and cultural institutions in Sepphoris that definitively dates prior to the Great Revolt. Anna Iamim has recently argued, however, that various architectural and decorative remains discovered in excavations by separate teams are all from the same monumental mansion or complex of mansions on top of the *acropolis*.¹⁵⁰ A series of painted frescoes, stucco, and Ionic capitals found in the various excavations should be associated with this massive building, thereby betraying the influence of Graeco-Roman cultural institutions in Sepphoris.¹⁵¹ Although there is no conclusive evidence dating the remains of this building prior to the Revolt, the finds from the excavations and similarities between the complex's decorative elements and those in Herodian palaces support an Early Roman date.¹⁵² Thus, this could very well be the remains of the palace that Herod constructed at Sepphoris, which Antipas later occupied.¹⁵³ Its size, position at the top of the hill, and Graeco-Roman-influenced architecture and décor support this identification. It is also possible, however, that this was simply a mansion that belonged to Sepphorean elites and had nothing to do with the Herods.

¹⁴⁶ Jensen 2006, 179–81.

¹⁴⁷ Weiss 2007, 399 n. 40.

¹⁴⁸ Weiss 2007, 399–400.

¹⁴⁹ Weiss 2007, 403–4. See also E. Meyers and Chancey 2012, 270–1; Carol Meyers and Eric M. Meyers, “Sepphoris,” in *OEANE IV*: 530, 533.

¹⁵⁰ Iamim 2016.

¹⁵¹ Iamim 2016, 105–7. Weiss (2007, 405; 2015, 57) also notes that the fragments of frescoes with floral motifs found in the fills beneath the House of Dionysos could have come from a Herodian palatial complex.

¹⁵² Iamim 2016, 107.

¹⁵³ Josephus, *A.J.* 17:271; cf. *B.J.* 2:56.

Setting aside this one intriguing building, the rest of the archaeological evidence discovered thus far indicates that Sepphoris began its transformation from a settlement with a “simple, rural semblance” to a Roman *polis* around the time of the First Revolt.¹⁵⁴ The late date of this transition has called into question Josephus’s comment, after noting that Antipas fortified his new capital, that Sepphoris was the “*proschēma* of all Galilee.” Often translated as “ornament” or “jewel” and taken to imply that Antipas adorned his city with Roman-style monumental buildings, Stuart Miller argues instead that *proschēma* implies fortification and is precisely the same word “used by other Greek authors to describe once impregnable cities.”¹⁵⁵

Certain remains from Sepphoris support this interpretation of Josephus’s description of Sepphoris as a *proschēma*. While Antipas’s walls have never been found, excavators have discovered the foundation walls of an imposing fort on the western summit that was built no later than 100 BCE and was deliberately covered up not long before 68 CE.¹⁵⁶ Eric Meyers and Mark Chancey have suggested that the building was suppressed during the war in order to exhibit the city’s peaceful stance.¹⁵⁷ In any case, this fort exemplifies the role of Sepphoris in the late Hellenistic and Early Roman periods as the security, not the ornament, of the Galilee – a distinction too often ignored by New Testament scholars who have enhanced the Roman acculturation and urbanization of Sepphoris in order to explain the ministry of liberation and renewal begun by Jesus about 6 kilometers away in Nazareth.¹⁵⁸

Unlike Sepphoris, Tiberias did become a formal *polis* during the time of Antipas. The city was apparently formed through the synoecism of several local villages.¹⁵⁹ Based on coins minted in the city, Antipas must have transferred his capital from Sepphoris to Tiberias around 19 CE.¹⁶⁰ Josephus supplies much information in passing about urban characteristics of the city.

¹⁵⁴ Weiss 2007, 408. See also Chancey 2001.

¹⁵⁵ E.g., Strabo, *Geogr.* 10.2.3; Plutarch, *Alex.* 17. See Miller 1984, 57. The word has the primary meaning of “pretense” or “pretext” and often connotes the pretense of war or military aggression (*LSJM*, 1531). See also C. Meyers and E. Meyers, “Sepphoris,” in *OEANE* IV: 530.

¹⁵⁶ The evidence for dating the fill that covered up the fortress is a coin of Agrippa II from 53 CE and “Herodian” pottery. See Meyers 1999; Weiss 2007, 405.

¹⁵⁷ E. Meyers 1999; E. Meyers and Chancey 2012, 144.

¹⁵⁸ Among others: Batey 1991; Crossan 1991, 17–19; Freyne 1992; 1995; Horsley 1995b, 163–9; 1996, 43–65; 1999; Amal 2001, 146–56. The excessive emphasis Charlesworth (2006, 51–5) places on the importance of an Antipas-era dating of the theater at Sepphoris for Historical Jesus studies in his survey article on “Jesus Research and Archaeology” is symptomatic of the problem.

¹⁵⁹ S. Schwartz 1994, 301.

¹⁶⁰ Meshorer 2001, 81–2.

He mentions the full range of civic officials, including a 600-person *boulē*, and he also recounts the city calling assemblies of its citizens (*dēmos*). Additionally, Josephus makes reference to a stadium near the seashore, a royal bank, archives, a palace of Antipas, and hot baths.¹⁶¹

Many of the archaeological remains found in Tiberias date to the Early Roman period and betray Tiberias's identity as a Roman *polis*. Because of the modern city that exists above the ancient site today, however, Tiberias has not turned up as many archaeological remains as Sepphoris. Aside from coins of Antipas with the legend "Tiberias" on their obverse,¹⁶² a lead market weight inscribed with "Herod the Tetrarch" along with the name of the *agoranomos* in 29/30 CE, Gaius Julius, originated in the city.¹⁶³ Excavators have also unearthed a monumental gate south of the city, whose entrance was flanked by two round projecting towers, much like the gates at Hippos, Tyre, and especially Gadara.¹⁶⁴ Recent excavations have unearthed pottery sherds in a probe beneath the *cardo* that indicate an early second-century CE date for the paving of this street as well as the construction of the gate that served as its entrance.¹⁶⁵ Originally assumed to date to Antipas's founding of the city, it is now very clear that this monumental gate was built shortly after, and likely in reaction to, the gate at Gadara.¹⁶⁶

The stadium in which Josephus says his enemies gathered as he fled from them during the war was thought to have been found north of the city on the shore of the lake, just where Josephus said it was.¹⁶⁷ During salvage excavations, Moshe Hartal discovered about 10 meters of an ashlar wall, 9 meters in width, running north-south and curving westward. He argued that these remains were from the semicircular southern end of

¹⁶¹ The Josephan references for Tiberias are as follows: *B.J.* 2:618 (στάδιον; assembly of Τιβερίεις), 639–40 (βουλή; δέκα τῶν Τιβερίων οἱ δυνατώτατοι), 599 (ἄρχων), 614–18 (θερμοῖς ὕδασιν; ὑπάρχοι; στάδιον); 3:539 (στάδιον); *Vit.* 38 (τὴν τε βασιλικὴν τράπεζαν καὶ τὰ ἀρχεῖα), 64–9 (βουλή; τοὺς πρώτους τοῦ δήμου; τὸν οἶκον τὸν ὑπὸ Ἡρώδου τοῦ τετράρχου κατασκευασθέντα ζῶων μορφὰς ἔχοντα), 85–6 (θερμοῖς ὕδασι), 92 (στάδιον), 169 (βουλή), 277 (προσευχή), 280 (προσευχή), 284 (βουλή), 296 (τοὺς δέκα πρώτους Τιβερίων), 300 (βουλή), 313 (βουλή), 331 (στάδιον), 381 (βουλή). See Chancey 2005, 104; Weiss 2007, 387. Jensen (2006, 138) makes the interesting point that, of the civic officials Josephus mentions, only the ἀγορανόμος is mentioned in connection with the reign of Antipas (*A.J.* 18:149).

¹⁶² For a thorough analysis of Antipas's coins, see Jensen 2006, 145–6, 203–17.

¹⁶³ Qedar 1986–7, 29–35; Kushnir-Stein 2002. Another weight often attributed to Tiberias (e.g., Weiss 2007, 388) is actually from Magdala, as is noted below.

¹⁶⁴ Chancey 2005, 87; Jensen 2006, 139–40; Weiss 2007, 388–400.

¹⁶⁵ Cytryn-Silverman 2015, 192–3.

¹⁶⁶ For the late dating and comparison with the Decapolis gates, see T. Weber 2007, 465–9.

¹⁶⁷ Josephus, *B.J.* 2:618–19; *Vit.* 92–6.

the stadium (*sphendonē*), and others have accepted this interpretation.¹⁶⁸ Recently, however, Rick Bonnie has debunked this theory and proposed an attractive alternative. He notes, first, that Josephus uses the word “hill” (*bounos*) when referring to the location, which seems to indicate a natural rather than human-made feature of the site.¹⁶⁹ He also observes that the Tiberias stadium mentioned in the Jerusalem Talmud (redacted in late antiquity) situated the stadium away from the seashore and west of the city.¹⁷⁰ Bonnie then proceeds to debunk several elements of the interpretation of the structural remains as a *sphendonē*. Most importantly, he argues that a projecting stone block with a pierced hole, which is part of the uppermost course of the structure, was the mooring stone of a quay rather than a console as Hartal suggested.¹⁷¹ This mooring stone is nearly identical to those incorporated into the quay of nearby Magdala, six of which are intact in the quay’s upper course and face the lake.¹⁷² Bonnie’s insightful study demonstrates that Hartal’s structure is a harbor rather than a monumental stone-built stadium. The stadium Josephus mentions might have been a natural locale at which sporting events were held, perhaps incorporating some modest architectural features made of local field-stones.¹⁷³ In any case, archaeological traces of Josephus’s stadium have not yet been discovered.

Historians often attribute another Roman entertainment building, the theater, to Antipas. Although Josephus never alluded to a theater in Tiberias, and the remains of one at the foot of Mount Berenice have since their discovery been dated to the second to third century CE, ongoing excavations have reportedly uncovered first-century CE foundations beneath the expanded theater of the second century.¹⁷⁴ Either during the reign of Antipas or soon thereafter, then, Tiberias introduced public urban buildings on a modest scale. Although inscriptions have not survived to prove it, the city’s elites must have been involved in the planning and funding of this nascent urban development.

¹⁶⁸ Hartal 2002; Jensen 2006, 144–5; Weiss 2007, 390–1. Pottery unearthed outside the building may indicate a *terminus post quem* sometime in the first century CE, in corroboration of Josephus, but this needs to be confirmed (Jensen 2006, 144–5).

¹⁶⁹ Josephus, *B.J.* 2:619. Bonnie 2017, 27.

¹⁷⁰ Y. ‘Erub. 5:1, 22b. Bonnie 2017, 27; Leibner 2009, 286–94.

¹⁷¹ Bonnie 2017, 28–33 (and 26, fig. 5); contra Hartal 2008.

¹⁷² De Luca and Lena 2014, 128–36; Bonnie 2017, 30 (and 32, fig. 10).

¹⁷³ Bonnie 2017, 27.

¹⁷⁴ Atrash 2012; E. Meyers and Chancey 2012, 119; Weiss 2014, 49; Cytryn-Silverman 2015, 193–4.

A final set of remains that might illuminate Early Roman Tiberias is the so-called “palace of Antipas.” In recent excavations, a team directed by Yizhar Hirschfeld exposed part of a building that contained a colorful *opus sectile* floor, fragments of painted and molded plaster, and two peristyle pillar bases near the shore.¹⁷⁵ The excavators quickly labeled it as “part of a magnificent early first-century [CE] villa and most likely identical with the palace of Antipas,” referring to the Herodian palace mentioned by Josephus as being overtly influenced by Graeco-Roman architectural and decorative schemas.¹⁷⁶

While plausible, this hasty conclusion requires further support. First, an *opus sectile* floor and pillars imply a mansion, not a “villa” in the sense of a lavish rural complex closely involved in agricultural production. Second, the early first-century CE dating is circumstantial and relies on the identification of this building with Antipas’s palace. While ceramics above the floor indicate a date prior to the late first to early second century CE, the only probe performed beneath the floor did not supply any data proving a *terminus post quem*.¹⁷⁷ Third, Morton Hørning Jensen has rightly noted that *opus sectile* floors require imported marble, which was very rare in Early Roman Palestine and has emerged predominantly in the context of the Herodian palaces.¹⁷⁸ However, an *opus sectile* floor in one of the Jewish Quarter mansions, and a faux *opus sectile* floor in the Fresco House at Jotapata (Yodefat), both from the Early Roman period, suggest that such

¹⁷⁵ Hirschfeld and Galor 2007, 214, 224–5.

¹⁷⁶ The quotation is Jensen (2006, 142) summarizing Hirschfeld’s impression. Josephus provides some details about the palace in *Vit.* 65–8: “On their arrival, Justus being among them, I told them that I and my associates had been commissioned by the Jerusalem assembly to press for the demolition of the palace erected by Herod the tetrarch, which contained representations of animals – such a style of architecture being forbidden by the laws – and I requested their permission to proceed along with the work. Capella and the other leaders for a long while refused this, but were finally overruled by us and assented. We were, however, anticipated in our task by Jesus, son of Sapphias, the ringleader, as already stated, of the party of the sailors and destitute ranks. Joined by some Galileans he set the whole palace on fire, expecting, after seeing that the roof was partly of gold, to obtain from it large spoils. There was much looting, contrary to our intention; for we, after our conference with Capella and the leading men of Tiberias, had left Bethmaus for Upper Galilee. Jesus and his followers then massacred all the Greek residents in Tiberias and any others who, before the outbreak of hostilities, had been their enemies. On hearing of these proceedings I was extremely indignant and went down into Tiberias and devoted my energies to recovering from the plunderers as much as I could of the palace furniture, namely, some candelabra of Corinthian make, royal tables, and a large mass of uncoined silver.”

¹⁷⁷ Jensen 2006, 142.

¹⁷⁸ Jensen 2006, 142–3.

floors were desired by elites outside of the Herodian family, of which there were many in Tiberias.¹⁷⁹ In sum, this building could have been the palace of Antipas, but it may also have been a mansion built by elites of Tiberias, such as Justus son of Pistus, sometime in the second half of the first century CE.

Both Tiberias and Sepphoris feature prominently as consumer cities in many reconstructions of the socioeconomic situation of the Early Roman Galilee. William Arnal has argued this case with greater sophistication than most in *Jesus and the Village Scribes*:

Imperial Roman development of the noncoastal hinterland attempted to bring Galilee into the orbit of empire in order more effectively to siphon off its surplus product in the form of tribute, taxes, rents, interests and loans, and a variety of other devices. Because of the limitations of transportation technology and the absence of a highly monetized market-oriented economy ... , the primary way this was made possible was through the foundation of cities proximate to the hinterland to be exploited and accessible to potential trade outlets.¹⁸⁰

Although Arnal specifies that he imagines the scribes who transmitted the Q source responding to a perceived and constructed crisis rather than a real crisis, he nevertheless describes Roman urbanization under Antipas as economically exploitative – as if it were a *real crisis*. In particular, he highlights increased monetization and changing pottery distribution patterns as certain evidence of the parasitic relationship between *poleis* – ciphers for empire – and the countryside.

Arnal's archaeological analysis, directed by a consumer city model, is flawed at several points.¹⁸¹ First, ignoring the slow pace of urban development evident in the archaeological remains of Sepphoris and Tiberias, he

¹⁷⁹ Avigad (1983, 146) mentions the bedding of an *opus sectile* floor found in the Peristyle Building (Area M) in the Jewish Quarter excavations. See Aviam (2013a, 23) on the floor painted in an *opus sectile* pattern at Jotapata. Snyder and Avraham (2013) address *opus sectile* floors in the Herodian palaces, with a focus on Cypros. They note that Nabataean elites also sought out these floors in the first century CE, as evidenced by a mansion at Petra (200 n. 6). Cf. Japp 2007, 237–8. Additionally, *ex situ* fragments of a sort of *opus sectile* floor were discovered in the excavations of the main building at Ein Feshkha (Magnez 2002, 210–23), which was arguably the residence of local elites.

¹⁸⁰ Arnal 2001, 101.

¹⁸¹ Arnal 2001, 147: "It has become the standard view in scholarship on antiquity that the cities were sites of consumption, not production. As a result, the normal attitude of the countryside to the urbanites was fear and hatred; tensions and conflict mark the contacts between city and countryside." For a thorough critique of Arnal's study, see Jensen 2006, 28–30.

expects that they became economically thriving centers of commerce and wealth instantly upon their founding. In the process, he eschews inter-regional *comparanda* from the Decapolis and elsewhere in the Roman East.

Second, Danny Syon's analysis of coin circulation debunks Arnal's claim that Antipas increased monetization in order to stimulate the economy and efficient tax collection.¹⁸² Antipas minted coins, most of which commemorate the city of Tiberias and bear images of agricultural prosperity, and they have been found in significant numbers outside of Tiberias, and at Gamla in particular. However, there is no evidence of any significant increase in circulation at the time of Antipas, a point that finds support in the large quantity of Hasmonean coins (especially coins of Jannaeus) still in circulation during the Early Roman period.¹⁸³ According to Syon, there was a major increase in monetization under the Hasmoneans and another noticeable increase in the Middle Roman period, but no palpable increase in the Early Roman period.¹⁸⁴ Jensen adds that the fractional coins Antipas minted were conducive to small, daily market transactions, not tax payments.¹⁸⁵

Finally, Arnal takes great pains to recast David Adan-Bayewitz's important studies of pottery distribution in the Galilee in terms of consumer city exploitation.¹⁸⁶ Adan-Bayewitz used neutron activation analysis to demonstrate that pottery produced at Kefar Ḥananyah, which was strategically located between Upper and Lower Galilee, formed a general distribution pattern of diminishing proportions with increasing distance. The notable exceptions to this pattern are Tiberias, and to a lesser degree Sepphoris, where the pottery shows up in significant numbers despite the cities being farther away.¹⁸⁷ He concluded that the popularization of Kefar Ḥananyah ware was a function of population increase in the late first century BCE to first century CE: "Both Tiberias and Sepphoris were major market centers,

¹⁸² For the thesis that increased monetization, beginning in concert with Antipas's urban development, had a negative impact on the countryside, see Arnal 2001, 134–8. See also Freyne 2000, 108; Kloppenborg 2000b, 238–42; Crossan and Reed 2001, 70.

¹⁸³ Syon 2004; Jensen 2006, 187–217.

¹⁸⁴ See Syon 2015, 57–62.

¹⁸⁵ Jensen 2006, 214 n. 205. See also Chancey 2005, 181.

¹⁸⁶ Arnal 2001, 120–7. See also Kloppenborg 2000b, 238–42. Because he imagines a village economy based on self-sufficiency in the Galilee, Horsley (1996, 70–2) uses the Kefar Ḥananyah pattern of diminishing proportions to claim that there was very limited trade and marketing in the Galilee. Horsley's point about limited trade and movement of products seems to ignore the basic evidence.

¹⁸⁷ Adan-Bayewitz 1993; cf. Adan-Bayewitz and Perlman 1990. Lapin 2017b advances Adan-Bayewitz's conclusions about diminishing proportions in light of more recent evidence.

and the pottery commonly used in these cities *and in the surrounding settlements* was presumably available at their markets. Regional centers situated between Kefar Ḥananya and Sepphoris and Tiberias, such as 'Arav in the Saḥnin Valley, were probably also involved in the marketing of Kefar Ḥananya ware."¹⁸⁸

Whereas Adan-Bayewitz emphasized that Sepphoris and Tiberias provided markets not only for the inhabitants of those cities, but also for people in the surrounding settlements, Arnal cited this pattern as proof that urban elites in Sepphoris and Tiberias consumed the surplus of village peasants, leaving them with little of the products of their own labor. He also offered evidence that Sepphoris was responsible for most of the consumption of Shikhin's pottery, creating a pattern similar to that between Kefar Ḥananyah and Tiberias, and to a lesser degree between Kefar Ḥananyah and Sepphoris.

There are several problems with this theory. First, the smaller quantity of Kefar Ḥananyah ware found at village sites does not entail that villagers were not purchasing and using these wares, but only that there were fewer people in villages than in cities. Second, that Sepphoris and Tiberias served as markets for village manufacturers for both urban and village inhabitants in the region does not indicate parasitism by urban elites, but rather that urban markets facilitated the commercialization of village products to the benefit of producers.¹⁸⁹ Third, Adan-Bayewitz's pattern is based on evidence from Hamath Tiberias, not the city of Tiberias proper. Although Hamath Tiberias was likely under the jurisdiction of Tiberias, and its pottery use was probably consistent with that in Tiberias, this was nevertheless a village site adjacent to the city and may not have been home to many or even any elites.¹⁹⁰ Fourth, Adan-Bayewitz's study collapses the Hellenistic to early Byzantine periods without chronological variegation, and the crucial pottery samples from Hamath Tiberias and Sepphoris are primarily from contexts that postdate the Early Roman period.¹⁹¹ Fifth, Mordechai Aviam has recently published evidence of production of so-called "Kefar Ḥananyah ware" at Jotapata, raising questions about where else this pottery

¹⁸⁸ Adan-Bayewitz 1993, 233–34 (my emphasis). Elsewhere, he argues explicitly that "the distribution pattern of Kefar Ḥananyah ware does not seem consistent with the picture, common among some scholars, of the exploitation in the Early Roman period of the Galilean peasant by the urban wealthy" (219).

¹⁸⁹ Edwards 1988, 174–6; E. Meyers 1997a, 61.

¹⁹⁰ Adan-Bayewitz 1993, 205, 233.

¹⁹¹ Adan-Bayewitz 1993, 58, 205. Balouka (2013, 20–52) addresses the typology and proposed dates for Kefar Ḥananyah pottery at Sepphoris. Dothan (1983, 18) briefly discusses the early pottery from Hamath Tiberias.

may have been produced.¹⁹² Sixth, Thomas Weber has reported that Kefar Hananyah pottery has also been found in the Decapolis at Gadara and Hippos.¹⁹³

The pottery distribution pattern Arnal considers proof of urban parasitism reveals little about the effects of urban development on village producers in the Early Roman period. It actually provides more information about the Early Roman II and Middle Roman periods, during which Sepphoris and Tiberias were larger and wealthier *poleis* that were more influenced by Graeco-Roman cultural institutions. Even still, these data only show that villagers engaged in commerce through urban markets and that urban inhabitants depended on the countryside to some degree, not that urban elites impoverished village peasants.

If we examine the archaeology of villages in the Galilee and Golan (i.e., Gamla, which apparently interacted more with the Galilee than the Golan), there are more signs of stability and surplus resources in the Early Roman period than of new forms of hardship. In his survey-based study of settlement history in the Galilee, Uzi Leibner demonstrated that a steady increase in settlement began with the Hasmonean conquest of the Galilee and continued through the first half of the first century CE, with at least sixteen new sites appearing in the Early Roman period.¹⁹⁴ He suggests that urban development during Antipas's reign may have induced settlement, but cautions that most of the sites emerged around the same time as the cities, if not beforehand.¹⁹⁵ While the development of Tiberias, in particular, may have increased urban demand for agricultural and other products (e.g., pottery, textiles), facilitating rural settlement, the growth of settlements was part of a more organic process largely stimulated by the later Hasmoneans. Unlike the late Hellenistic sites, the surveyed Early Roman settlements were typically unfortified and tended to include olive oil installations, betraying the growing economic significance of the olive industry in Galilean villages in the Early Roman period.¹⁹⁶

Jensen has argued that the villages of the Galilee showed signs of “prosperity,” rather than economic impoverishment in the Early Roman period. Focusing on Jotapata, Khirbet Qana, Capernaum, and Gamla, he has noted the complete lack of signs of decline in these villages. On the contrary, all

¹⁹² Aviam 2013a, 27–8. See also Edwards 2007, 365.

¹⁹³ T. Weber 2007, 460; Ben David 2014, 248–52. See also Lapp 2016 on interregional trade between Sepphoris and the Decapolis.

¹⁹⁴ Leibner 2009, 331.

¹⁹⁵ Leibner 2009, 332.

¹⁹⁶ Leibner 2009, 335. See also Aviam 2004b, 51–8.

of them hosted agricultural installations, while Qana, Capernaum, and Gamla erected public buildings in this period, and Jotapata, Qana, and Gamla each had elite residences.¹⁹⁷ Altogether, these developments suggest stability and possible growth, but also economic inequality.

One type of public building that first appeared in Palestine in the Early Roman period, which sheds further light on socioeconomic changes in village settings in particular, is the synagogue. Although known as prayerhalls (Gk. *proseuchai*) or synagogues (Gk. *synagōgai*), these public buildings did not yet have the primarily religious functions that they would acquire after the cessation of worship at the Jerusalem Temple in 70 CE.¹⁹⁸ Prior to the Temple destruction, synagogues were used for communal gatherings for various reasons including prayer and religious instruction (but not formal education), but also communal meals and political assemblies. Synagogues were not unique to villages (e.g., Qana, Capernaum), but also existed in cities (e.g., Tiberias, Caesarea Maritima) and the larger villages that served as the capitals of toparchies (e.g., Gamla, Magdala). The Theodotus inscription even indicates that there was at least one synagogue in Jerusalem while the Temple still stood.¹⁹⁹

The existence of synagogues is not evidence of prosperity across socioeconomic strata but rather suggests that some residents of a village or city had surplus resources. Although synagogues served communal purposes, it is important to recognize that they also imply socioeconomic stratification. The one synagogue inscription that has survived from Early Roman Palestine, the Theodotus inscription, reveals that relatively wealthy benefactors were responsible for founding and overseeing the activities in synagogues:

Theodotos son of Vettenos, priest and *archisynagōgos*, son of an *archisynagōgos*, grandson of an *archisynagōgos*, built the synagogue for the reading of the Law and teaching of the commandments, and the guest-house and the (other) rooms and water installations (?) for the lodging of

¹⁹⁷ Jensen 2006, 178. By public buildings, Jensen refers to synagogues/*proseuchai*. However, in addition to its synagogue, Gamla had a public building that has been described as a basilica (Syon and Yavor 2005, 52–9).

¹⁹⁸ There have been considerable debates over the origins and functions of synagogues in the pre-70 period. This is not the place to engage in these discussions. For recent assessments of the archaeological and literary evidence for synagogues in Early Roman Palestine, see Runesson 2001; Runesson et al. 2008, 20–118; Magness 2012, 286–92; E. Meyers and Chancey 2012, 203–38; Levine 2000, 45–80. On Josephus's distinctive portrayals of synagogues in his works, see Krause 2017.

¹⁹⁹ CIIP I.1 9. See Kloppenborg 2000a.

those who are in need of it from abroad, which (= the synagogue) his forefathers, the elders and Simonides founded.

Not only does this inscription suggest that prominent local elites founded synagogues, but also that they were leaders within these synagogues. Synagogue officials, who were sometimes given the title “head of the synagogue” (Gk. *archisynagōgos*), were likely prominent members of local communities such as village scribes or civic magistrates.²⁰⁰

For this reason, synagogues in this period should be understood as economic organizations where local elites expressed and legitimated their political, economic, and ideological power. The synagogue in Tiberias, for instance, served as a stage on which local elites such as the *archōn* Iesous competed for influence among the population.²⁰¹ Therefore, while the presence of a synagogue entails that there were surplus resources in a given location, it does not imply that these resources were spread evenly across the local population or that the entire local population was “prosperous.” Instead, they show that elite power increasingly had an impact on non-urban communities in the Early Roman period.

Archaeological evidence of Galilean synagogues dating to the Early Roman period has been discovered in the villages of Gamla and Qana, as Jensen noted. It is also possible, but cannot be proven from the current evidence, that there were synagogues at Capernaum and Chorazin in the first century CE. To Jensen’s list of Galilean villages showing signs of stability and growth, we may now add Wadi Ḥamam and Magdala. At Khirbet Wadi Ḥamam, beneath a synagogue from late antiquity are the remains of a public building from the Early Roman period.²⁰² This partially surviving building had low benches around the walls of one of its rooms. Fragments of plaster painted in the *secco* technique and pieces of stucco from the fluting on Doric columns signal that this building featured elaborate interior decoration. This building very closely resembles the main hall of the synagogue from the Early Roman period at nearby Magdala.

Also known as Taricheae or Migdal, Magdala’s archaeological evidence challenges simplistic assumptions about the imposition of the *polis* structure in Early Roman Palestine. Magdala was the capital of a toparchy in the Early Roman period, although much of its planning and early construction have been attributed to the Hasmonean era. Its remains are indicative of a booming village with a decidedly urban character, despite its

²⁰⁰ On the prominent social location of scribes within synagogue communities, see Keith 2011, 117–20, 124–46; 2014, 33–6.

²⁰¹ Josephus, *Vit.* 276–95.

²⁰² Leibner 2015, 346–50. The results of the recent excavations are now published: Leibner 2018.

lack of the technical status of a *polis*.²⁰³ The village was constructed on the Hippodamian grid, with streets running off a *cardo* and *decumanus* that featured drainage channels beneath them. Its L-shaped harbor with breakwater and mooring stones, dating to Hasmonean times, is the largest found along the lake. This harbor made the village a robust commercial center that was sustained by fishing and trade with the Decapolis cities across the lake.²⁰⁴ Magdala also featured a *quadriporticus* and public bath complex whose earliest phase allegedly dates to the first century CE,²⁰⁵ as well as a marketplace that included a building complex with four plastered vats (each about 0.5m × 0.5m × 0.7m) sunken into their floors, probably used for fish-salting and additional fish processing.²⁰⁶ An abundance of fractional coins as well as two lead weights inscribed with the names of *agoranomoi* (71/72 CE or 82/83 CE and 70/71 CE or 81/82 CE) attest to the thriving state of commerce in Magdala in the Early Roman period as well as the regulation of markets.²⁰⁷ Mansions evince the presence of Judean elites in the village, and the “House of Dice” in particular betrays aspects of the same elite culture as the mansions in Jerusalem – for instance, domestic stepped baths and mosaics, one of which presents a black meander pattern framing a central whorl rosette in a room that may have served as a *triclinium*.²⁰⁸

The synagogue of Magdala also dates to the Early Roman period and is further proof of the growth of the village and its adaptation of Graeco-Roman cultural institutions. It contained mosaic floors boasting a meander pattern, a red-bordered whorl rosette, and gammadic motifs.²⁰⁹ Like the

²⁰³ Zangenbergs 2001; 2010; De Luca 2009; Leibner 2009, 214–40; De Luca and Lena 2014; 2015. Interestingly, Josephus clearly associates Taricheae with Tiberias and Sepphoris as *poleis* he fortified in the Galilee, drawing a distinction between these and the *komai* he fortified (*Vit.* 188). Pliny the Elder (*Nat.* 5.71) similarly groups Taricheae with the cities of Julias (in Peraea), Hippos, and Tiberias, though calling them all *oppida*. As of yet, there is no evidence that Magdala had the technical status of a *polis*, but this does not detract from its urban character. Josephus even claims that Magdala had a hippodrome/stadium (*B.J.* 2:599; *Vit.* 132), though its remains have not yet been discovered and, as with Tiberias, it is not certain that it would have been a monumental stone structure.

²⁰⁴ Zangenbergs 2010, 476; De Luca and Lena 2014; Lena 2018; Guijarro 2018.

²⁰⁵ Zangenbergs 2010, 475–6; De Luca and Lena 2014, 126, 128.

²⁰⁶ De Luca and Lena 2015, 308–9; Hakola 2017; Zapata-Meza 2018; Bauckham 2018a. Notably, Strabo (*Geogr.* 16.2.45) records that “In the place called Taricheae (Ταριχέαις), the lake provides good fish for salting (ταριχέαις).” On fish-salting in the Roman Empire, see Marzano 2013, 89–122.

²⁰⁷ On the coins, see Meshorer 1976; Syon 2002; De Luca 2009, 436–7, 446–9. On the weights, see Qedar 1986–7, 30–3; Kushnir-Stein 2002, 295–7; De Luca 2009, 343, 371–2. See also Hakola 2017 on the regulation of the fishing industry in Magdala.

²⁰⁸ Zapata-Meza 2012, 96–7; De Luca and Lena 2015, 306.

²⁰⁹ Avshalom-Gorni and Najjar 2013; De Luca and Lena 2015, 312. The synagogue is built on top of a mid first-century BCE building whose function is not clear. A coin of 43 CE found

public building at Wadi Hamam, the synagogue had stucco decoration and colorful painted walls (but fresco, not *secco*). In the synagogue, excavators discovered the so-called “Magdala Stone,” whose elegant reliefs depict a menorah, rosettes, amphoras, a “Herodian” lamp, and other architectural motifs that seem to invoke the Jerusalem Temple precincts.²¹⁰ On the basis of a *comparandum* from Ḥorvat Kur, Stefano De Luca and Anna Lena suggest that this decorated ashlar was used as an offering table – a preferable alternative to the theory that this short table was used as the base of a table for Torah reading.²¹¹ The function of the stone, however, remains unclear. Based on the artistic patterns and apparent affluence of the synagogue and the House of Dice, several scholars have argued for a connection between the elites of Magdala and the priestly elites in Jerusalem. This theory receives support from later rabbinic traditions, *piyyutim*, and an inscription from late antiquity that recognize the presence of a priestly course in Magdala.²¹² While this connection is not certain, it is attractive.

Magdala, then, gravely complicates the matter of urban development in the Early Roman Galilee. Although it was never made a *polis* by Antipas, the Romans, Agrippa I, or Agrippa II, this toparchy center grew in size, wealth, and prominence between the Hasmonean and Early Roman periods. It was a local center of commerce and was probably involved in trade with Hippos and the other Decapolis cities across the lake. In the Early Roman period, all of the evidence suggests that it was a more significant urban-type settlement than Sepphoris.

If it were not for Gabinius and Antipas singling out Sepphoris as the virtual capital of the Galilee, Magdala might have been considered a rival to Sepphoris. After Antipas moved his capital to Tiberias in 19 CE, Sepphoris and Magdala were comparable settlements, and Magdala may even have overshadowed Sepphoris in economic significance. Magdala was situated only 5.5 kilometers from Antipas’s *mētropolis* at Tiberias, yet the latter’s

below the floor foundation in the central hall gives a *terminus post quem* for the floor construction or repaving.

²¹⁰ For a judicious discussion of the stone and review of scholarly opinions on it, see Fine 2017. The stone is 0.6m × 0.5m × 0.4m.

²¹¹ De Luca and Lena 2015, 317. Hachlili (2013, 41) similarly suggests that it was used as an incense altar. For the Torah reading table theory, see Aviam 2013a, 38; 2013b. This function is unlikely, as Fine (2017, 15) points out, because “there are no evident signs that a tall stone or wooden table was ever attached to or set atop the altar.” Additionally, such a fixture would obscure the art on top of the artifact. Zangenberg (2012, 140–3) discusses the basalt stone from Ḥorvat Kur.

²¹² The fragmentary inscription associated with the Caesarea synagogue is CIIP II: 1145 (fourth to seventh century CE); L. White 2009, 174 no. 11. See Leibner 2009, 231–2; E. Meyers and Chancey 2012, 212; Notley 2014; De Luca and Lena 2015, 313; Bauckham 2018b.

alleged consumption pattern apparently did not obviate the accumulation of wealth at this lakeside settlement. Neither impoverished by the consumption of Tiberias, nor a consumer city itself, Magdala bespeaks the interaction of production and consumption in a large village in the Early Roman period. As a toparchy center, this village – much like Gamla – may have hosted more diverse economic activity than other Galilean villages. Nonetheless, all of the Galilean villages seem to have thrived in this period, at the same time that urban development began in Tiberias.

In the Galilee, as elsewhere in Early Roman Palestine, archaeology demonstrates that urban development was much slower than scholars have presumed. Sepphoris was hardly a *polis* in the Early Roman period. Antipas transformed Tiberias into a *polis*, but introducing a new urban armature was a gradual process. Even when Tiberias and Sepphoris peaked in their urban development in the Middle Roman period, they still paled in comparison to the Decapolis and the coastal cities. Meanwhile, the surrounding villages appear to have grown in economic resources and prospects in the Early Roman period, probably under the influence of, rather than in spite of, nascent urban development in Tiberias and elsewhere.

Economic inequality remained as rampant as it had been in earlier periods, but there is no reason to expect that poverty suddenly became more widespread under the pressures of provincial incorporation and urban development. If anything, the opposite was the case. Literary and archaeological sources do point, however, to the growing power and wealth of elites in Tiberias. This was not simply a consumer city phenomenon, for elites also left their imprint on the archaeological record of villages at this time – in the so-called “wealthy quarter” at Gamla, at the mansions on the eastern slope of Jotapata, in the mansions at Magdala, and, we may presume, at sites yet to be excavated.

Rural Mansions and the Question of “Roman Villas”

Concurrent with urbanization, scholars sometimes expect that large estates rapidly emerged across Palestine’s rural landscape and represented another new Roman architecture of economic exploitation, but there is little support for this idea.²¹³ There are two components to this question of the rise of

²¹³ The classic statement of this thesis is Herz 1928. See further Applebaum (1977; 1989, 124–31), Dar (1986, I: 23–35), and Fiensy (1991, 49–74; 2014, 98–117; note that Fiensy is only speaking of large estates and not the *villa* form necessarily). Following Z. Safrai (1994, 82–99), Zissu (2001, xxvi) considers “manor houses” such as “Hilkiya’s Palace” at Khirbet el-Muraq to qualify as “local versions of the Roman villa.” Notably, Applebaum (1977, 367 n. 58) is drawing on the influential work of Tchalenko (1953–8) on Syria, claiming that there was a trend towards peasant holdings being subordinated to large estates in the

large estates. The first, which is a focus of [Chapter 2](#), involves land distribution, property law, and tenancy. The second, which merits attention here, pertains to the introduction of Roman villa architecture and its implications for cultural change.

Villa rustica is the term for a large rural building that served as both the lavish residence of an elite family (*pars urbana*) and an agricultural base for the slaves and/or wage laborers who worked this family's land (*pars rustica*).²¹⁴ The spread of these buildings is often considered a marker of so-called Romanization as well as agricultural intensification for the purpose of export. Although most historians admit that Early Roman Palestine did not have *villae rusticae* that compared in scale and splendor to those in Italy,²¹⁵ and Campania in particular, some scholars nevertheless contend that the changing socioeconomic relations that villas are believed to embody similarly impacted Palestine. Yizhar Hirschfeld, among others, has imagined a somewhat more modest version of the Italian *villa rustica* appearing in Palestine during the time of Herod and serving as the backdrop for Jesus's parables.²¹⁶

Before evaluating the particular evidence from Palestine, there are several problems with this understanding of *villae rusticae* that require attention. On the basis of recent discoveries, Roman archaeologists are now beginning to problematize the traditional theory of unilinear development from Hellenistic farmsteads to Roman villas. This evolutionary model posits the coalescence of cultural and economic institutional progress in a movement from modest Hellenistic farmsteads to lavish Roman villas in three steps, which are made to correspond to the differing degrees of intensification in the moralizing agronomic writings of Cato (234–149 BCE), Varro (116–27 BCE), and Columella (4 CE–ca. 70 CE). Nicola Terrenato and others have noted, however, that there were also large villa-like buildings in fifth- through third-century BCE Italy, such as Grottorossa and the Auditorium site at Rome.²¹⁷ Moreover, relatively modest Hellenistic farmsteads also continued to be used throughout the Roman period.

Roman period. On the basis of archaeological evidence from Syria, this thesis has since been discredited by Tate (1992).

²¹⁴ For a thorough overview of issues in the study of villas, see Marzano and Métraux 2018. Launaro (2015) has challenged the traditional view that the spread of villas relied upon the replacement of free laborers with slaves (especially in Italy), arguing instead that free labor was also a crucial component of the “villa economy.”

²¹⁵ E.g., Rocca 2008, 224–5; Magness 2011b, 11–12.

²¹⁶ Hirschfeld 1995, 79–97; 1998; 2000; 2006, 385–8; 2007b; Hirschfeld and Feinberg-Vamosh 2005.

²¹⁷ Terrenato 2001.

In many cases, it is difficult to differentiate a Hellenistic farmstead from a Roman *villa rustica* and impossible to determine what relations of agricultural production occurred at a site. Woolf suggests that, even though the spread of villas may have been related to changing tenurial institutions and technologies, it is “more precise to characterize the spread of the *villa* as an increasing taste for and use of Roman building materials, techniques and styles, rather than as the diffusion of a new social or economic form.”²¹⁸ Thus, the presence of peristyles, *triclinia*, bathhouses, mosaics, wall paintings, and *tegulae* (roof tiles) on large estates engaged in agricultural production express varying degrees of cultural and economic change. As with most processes of change in the early Roman provinces, the spread of *villae rusticae* was slow and regionally diverse.

Setting aside the royal palaces of the Hasmoneans and Herod, private buildings that may qualify as *villae rusticae* are rare in Early Roman Palestine.²¹⁹ Commonly cited examples are the Stuccoed Building at Tell Anafa in the Upper Galilee, the Ḥorvat ‘Eleq site at Ramat Hanadiv, “Ḥilkiya’s Palace” at Khirbet el-Muraq, and the “Governor’s Palace” at Tell Judeidah.²²⁰ The “Late Hellenistic Stuccoed Building” at Tell Anafa is a fascinating case study in socioeconomic change that troubles the conventional understanding of the spread of Roman villas. Erected in the last quarter of the second century BCE in the Upper Galilee in the hinterland of Tyre, this building of at least 1,450 square meters featured décor and amenities reflecting both opulence and an affinity with the cultural institutions of elites in the eastern Mediterranean.²²¹

Andrea Berlin compares the plan and decoration of this residence at Tell Anafa to late Hellenistic private houses at Delos. She further emphasizes the high quantity of imported goods enjoyed at the site, as indicated by Rhodian and Koan amphora handles, south Italian wine jars, and

²¹⁸ Woolf 1998, 149.

²¹⁹ See Förtsch 1996 on the palaces.

²²⁰ Hirschfeld (1995, 79–97) concluded with regard to “Ḥilkiya’s Palace” that, “This estate house, like that of Tell Judeidah, is a good example of the introduction of the Roman villa type into Palestine” (97). Another complex that is sometimes considered a villa (or “manor estate”) is the Qumran site (e.g., Donceel and Donceel-Voûte 1994). While I am not as willing to use the term “villa” for the other buildings from Palestine, I agree with Magness (2002, 90–100; 2004, 17–40) that the complex at Qumran was by no means a villa. While there may be certain similarities, the lack of definitive evidence for a peristyle courtyard, *triclinium*, and elite decorative motifs (frescoes, *opus sectile* floors, etc.) indicate that this complex was neither a villa nor an elite mansion. I concur with the majority scholarly view that it was a communal building that is best associated with a community of the broader sect of Essenes.

²²¹ Hirschfeld 1995, 85–6.

Phoenician semi-fine wine/oil jars.²²² The walls of this building were covered in painted and gilded stucco representing drafted blocks (Hellenistic Masonry Style), egg-and-dart motifs, and Ionic and Corinthian column capitals.²²³ This residence included a three-room bath complex with mosaic floors consisting of black diorite and white marble *tesserae* over a “primitive hypocaust system of mud-brick pillars.”²²⁴ At the center of the building was a courtyard with columns on two sides.²²⁵ Rather than growing in size and extravagance under Rome’s influence, however, the building actually went out of use around the mid first century BCE. It was transformed into a village of mostly two-room houses in the Early Roman period.²²⁶

The complex at the site of Ḥorvat ‘Eleq at Ramat Hanadiv near Strato’s Tower/Caesarea Maritima had a similar history. In a number of publications, Hirschfeld, the original director of excavations, described this site as a single-stratum “villa,” “country gentleman’s estate,” or “fortified palace” of the Herodian period and drew the usual economic conclusions.²²⁷ However, Orit Peleg-Barkat and Yotam Tepper, who took over the excavations, have recently challenged this interpretation of the site. They demonstrated that the fortification walls and towers of this multiphase complex were constructed in the late Persian or early Hellenistic periods and went out of use by the Early Roman period, when small dwellings were built against the outer faces of these buildings. The remains from the Early Roman period are devoid of most of the hallmarks of Roman villa culture, such as a peristyle, reception halls, and frescoes. They concluded that, “during the Early Roman period the site was a village or farm, built on the ruins of the earlier Hellenistic site.”²²⁸ The Hellenistic complex was not an extravagant mansion like the building at Tell Anafa, but rather a fortified settlement focused on agricultural production. Ḥorvat ‘Eleq does not prove the emergence of a new Roman villa culture and economy.

Roman-style architectural schemas manifested in rural Palestine in a slow and syncopated manner and are not clear proof of changing socio-economic relations. Peristyle courtyards and masonry *triclinia* appear in domestic settings for the first time in the mid first century BCE at “Ḥilkiya’s Palace” at Khirbet el-Muraq and in the Late Hasmonean mansion adjacent

²²² Berlin 1997, 25–6.

²²³ Berlin 1997, 26.

²²⁴ Sharon Herbert, “Anafa, Tel” in *NEAEHL* I: 59. See further Herbert 1994, 62–72.

²²⁵ Berlin 1997, 41.

²²⁶ Herbert 1994, 109–10. There is also evidence that the building was remodeled around 100 BCE.

²²⁷ Hirschfeld 1995, 79–97; 2000; 2006; Hirschfeld and Feinberg-Vamosh 2005.

²²⁸ Peleg-Barkat and Tepper 2014, 73.

to the Hasmonean winter palace southwest of Jericho, near Wadi Qelt, which has been wrongly identified as a synagogue.²²⁹ The “Governor’s Mansion” at Tell Judeidah (Tell Goded) also reportedly dates to the first century BCE, and included an *atrium* of sorts with a pool at its center.²³⁰ Although these rural mansions evince architectural innovation and Roman cultural influence, albeit to a lesser degree than urban mansions and the Hasmonean and Herodian palaces, their relation to agricultural production remains unclear. The inhabitants of such mansions were likely landowners, but the architecture provides few clues as to the role of these relatively small mansions and their elite inhabitants in production on the surrounding land.²³¹

Current evidence, then, does not support the thesis that *villae rusticae* suddenly appeared in Palestine in the Early Roman period as a consequence of both cultural and economic change. Instead, the various types

²²⁹ On “Hilkiya’s Palace” (named for a Greek *graffito* found there mentioning a certain Elkiyas/Hilkiya son of Simon, *CIIP* IV: 3813), see Damati 1982; Hirschfeld 1995, 89–90; Netzer 2008, 232–4; Zissu 2001, 258–9; Rocca 2008, 224; H. Eshel 2011, 459–60. For the mansion near Wadi Qelt, see Levine 2000, 72–3. It was Netzer (1999; 2004, 159–92) who originally identified it as a synagogue, but neither the stepped pool nor the niche he identified as a sort of *genizah* for Torah scrolls are strong enough evidence to identify this building as such. For convincing rebuttals of this argument, see Maoz 1999; Schwarzer and Japp 2002; Stacey (n.d.). The earliest known masonry *triclinium* in Palestine was an open-air garden *triclinium* in the Hasmonean complex at Jericho, situated between the Twin Palaces and a swimming pool (Netzer 2001). See further Keddie forthcoming f.

²³⁰ Gibson 1994, 213–15, 232; Hirschfeld 1995, 87–8; Zissu 2001, 259. In urban settings, the “Atrium House” at Samaria-Sebaste was also built during the time of Herod and had a tetrastyle atrium as well as stucco and a mosaic pavement (Hirschfeld 1995, 90–1). Additionally, the Peristyle Building in the Jerusalem Jewish Quarter (Area M) boasted a peristyle courtyard and *opus sectile* floor (Avigad 1983, 146). To my knowledge, a concrete date range for this Jerusalem mansion has not yet been published, but it was likely erected in the early to mid first century CE. A peristyle mansion at Apollonia might date in its earliest phase to ca. 70 CE, but its *lararium* indicates that its residents were non-Judeans (Tal and Roll 2018). Similarly, the “House of the Dioscuri” at Caesarea Maritima, which almost certainly did not belong to Judeans on the basis of its finds, dates to the first quarter of the first century CE. Shulamit Miller (2016) has made a strong case that this complex was actually two peristyle mansions. I am indebted in this section to Miller, who has kindly shared her unpublished insights on the emergence and development of peristyle mansions in Palestine with me.

²³¹ One clue from the site of “Hilkiya’s Palace,” however, is “Multiple storage units, including subterranean rock-cut chambers, [which] indicate that a tremendous amount of agricultural produce could have been stored within” (Sh. Miller 2016). These chambers undoubtedly connect the mansion to agricultural production on the surrounding lands, but they cannot provide any information about the types of labor (slave, tenant, wage) that were involved on this property, the extent of the property, or the degree of control the landowners exercised in supervising production.

of farmsteads and agricultural facilities used in Hellenistic times were still used in the Early Roman period. Maurice Sartre has identified the farm at Qasr e-Leja in northwestern Samaria, which consisted of agricultural buildings surrounding a courtyard as well as a farmer's residence within a tower, as a good example of a medium-sized complex continuously operated from the early Hellenistic period through 70 CE.²³² This does not mean that elites did not begin to aggregate larger estates, but rather suggests three points: first, that the expression of cultural and economic change through architectural adaptation did not make much of an impression on rural life and agricultural production; second, that landowning elites tended to live in cities or large villages and administer their farms through estate managers and tenants; and, third, that estates were generally fragmented, as they were in Egypt and Arabia.

Conclusion

Urban development in Early Roman Palestine was generally slow. It did not begin to radically transform Hellenistic foundations until the century following the First Revolt. The exceptions were the cities Herod and his sons took a special interest in; of these, Jerusalem and Tiberias were the only ones that were predominantly Judaean. Even in these cities, development did not happen quickly and did not appear to impoverish non-elites in the surrounding regions. By no means did urban development suddenly create a landless rural proletariat. On the contrary, urban development created work for laborers in the cities. It also created new economic opportunities for non-elites in nearby villages, as urban markets stimulated local agricultural production.

In the earliest phases of Roman rule in Palestine, urban development facilitated the empowerment and economic success of elites. These elites did not live in *villae rusticae* in the countryside but for the most part resided in *poleis* and prominent villages. They derived their income largely from landownership but also through the measure of control over socioeconomic relations they came to enjoy as local and regional authorities who often exercised their power collectively through organizations such as *synedria* and *boulai*. The repositioning of elites vis-à-vis non-elites within the institutional structure of the *polis* and other institutions that sustained inequalities of wealth and power coincided with the transformation of preexisting cultural institutions and the generation of new cultural institutions.

²³² Sartre 2005, 225; cf. Dar 1986, I: 10–12; Fiensy 1991, 59.

CHAPTER 2

Land Tenancy and Agricultural Labor

“The Land Is Mine”

Even though urban industries were expanding in the Early Roman period, the majority of Judaeans in Palestine were still involved in some way in agricultural production. As with urban development, scholars influenced by anti-imperial conflict models of peasant societies have sought to identify a drastic intensification of exploitation in land tenancy in the Early Roman period. Changes in land tenancy, it is often argued, coalesced with urbanization and increased taxation to create a new and progressively alienated Judaeans agricultural proletariat. These developments are then interpreted as the degradation of egalitarian Judaeans traditions by imperial parasitism, for God prohibits private landownership in the Torah: “The land shall not be sold in perpetuity, for the land is mine; with me you are but aliens and tenants” (Lev 25:23). Literary, documentary, archaeological, and comparative evidence for the institutional structure of land tenancy does not, however, support this theory of sudden proletarianization in the Early Roman period.

Ancient tenant farming was a form of contract labor loosely regulated by legal institutions. According to this arrangement, tenants worked a plot of land for the owners of the property in exchange for a portion of the products of their labor.¹ Tenancy and related forms of wage labor were not Hellenistic or Roman impositions, but comprised institutions that had existed in some form in the Levant since the Iron Age. Agricultural tenancy was, to be sure, sustained by an institutional structure that generated economic inequality, but its shifts under Roman influence did not result in a worse economic situation for tenants and laborers than in earlier periods. Instead, their situation remained relatively constant (and was in some

¹ For a general introduction to ancient tenancy and related forms of contract labor, see Kehoe 2012.

instances improved) at the same time that changing legal conventions of private property allowed elites to accumulate considerable estates, arrogating surplus that was formerly conveyed to the state.

As scholars of New Institutional Economics have elucidated, significant shifts in the allocation of resources in societies often result from incremental modifications of the rules of a given institution, and particularly those that pertain to property rights.² The most consequential change to tenancy under Roman influence was not the sudden alienation of smallholders (farmers who owned their own relatively small plots) from their land, creating a new agricultural proletariat, but instead the widespread schematic transformation from the majority of land being classified as royal land producing rents for the state to an increasingly large portion of the land being legally recognized as private land producing rents for landowners (though still taxed by the state). This gradual transition positioned elites to increase their property holdings but would not have negatively impacted tenants and laborers. Although tenancy facilitated the unequal relationship between landowners and tenants, it is important to recognize that it also endowed tenants with some limited protections and privileges – securities that often put tenants in better economic positions than other non-elites, including smallholders. Tenancy was an institution that sustained inequalities, but it should not be reduced to a Roman imperial initiative or the determinant of a static peasant class devoid of access to the means of production.

The Theory of Roman Proletarianization

The idea that Pompey's conquest impacted the organization of labor by creating a new "Jewish agricultural proletariat" that would continue to grow in size over the course of the Early Roman period was given its most influential expression by Shimon Applebaum. Because Pompey "liberated" the Greek cities and detached Peraea from Judaea, Applebaum surmised that Jewish farmers were forced to give up their patrimonial lots and move inland, where they constituted a landless "proletariat" struggling to find work as tenants or day laborers.³

² On NIE, see the [Introduction](#) to this book. For an approach that emphasizes shifting rules of property rights as an index of economic change in Early Roman Jerusalem, see G. Gardner 2003.

³ Applebaum 1977, 361 *et passim*. Applebaum's argument is strongly influenced by Schalit (2001, 323, 753–9). See also Horsley and Hanson 1985, 58–9; Oakman 1986, 44; Horsley 1993, 29. For a critique of this thesis, see Gabba 1999, 108–9.

More recently, John Kloppenborg has made a similar argument. He has posited that, “The rise of large estates hence had profound effects on the structure of the economy: it reoriented production from small-scale polycropping devoted to local consumption toward large scale monoculture directed at the export of highly priced crops; it created and exploited a *class* of under-employed non-slave laborers ...”⁴ Although his deduction is much more nuanced than Applebaum’s, and based on rigorous analysis of the relevant papyri from Palestine and Egypt, Kloppenborg nevertheless reinscribes Applebaum’s thesis while emphasizing the rise of large estates as another factor in the economic determination of a proletariat. The theory that a new, especially exploitative mode of production was imposed in Early Roman Palestine, then, rests on two claims with regard to the structure of land tenure: that a new class of landless, free wage laborers was created and that the period saw the rise of large estates (regardless of whether royal or private).

Kloppenborg’s argument became considerably narrower between the publication of his seminal 2006 book, *The Tenants in the Vineyard*, and his 2008 article on “The Growth and Impact of Agricultural Tenancy in Jewish Palestine (III BCE–I CE).” In the former, he argues that the shift in land tenure patterns began with the gradual expansion of estates and its concomitant effects on labor relations in the First Temple period, or Iron Age II. He asserts that “It is unclear at what point tenancy became a significant phenomenon in the economy of Jewish Palestine.”⁵ Nevertheless, he concludes that, “although farm tenancy was not entirely new in the early first century CE, ... it was also not an economic institution with a venerable past, but had grown significantly in the century or two prior to the common era.”⁶ In his more recent article, which reproduces much of the material from the respective chapter of his book, Kloppenborg makes it clearer that he locates the origins of tenancy as a significant economic structure in Palestine in the third or second century BCE, but remains adamant that its impact became more exploitative around the time of Jesus.⁷ He identifies the ideal of “every man under his vine and under his fig tree” (1 Kgs 4:25; cf.

⁴ Kloppenborg 2008a, 60 (my emphasis). The article’s abstract puts it somewhat differently: “The growth of large estates, the implementation of tenancy, and shifts from polyculture to export-oriented monoculture had important effects on the structure of labor, creating classes of underemployed day laborers (*ergatai*) and ‘free’ tenants ...” See also Kloppenborg 2006, 289.

⁵ Kloppenborg 2006, 290–1. He makes the same statement in 2008a, 32, but then goes on to argue that there is no evidence of tenancy before the Hellenistic period.

⁶ Kloppenborg 2006, 295; 2008a, 50.

⁷ Kloppenborg 2008a, 48.

Mic 4:4) as suggestive that smallholding was the normative practice in the First Temple period, but he observes that this ideal was increasingly challenged by the aggregation of estates in the eighth century BCE, as known from literary references.⁸ Kloppenborg recognizes that as elites accumulated estates they relied on some unclear combination of types of labor (slave, conscripted, hired), but he insists that this did not include tenancy.

Kloppenborg crafts a narrative in which the indigenous, egalitarian Israelite preference for smallholding was challenged by the monarchy, but inevitably crushed by the economic parasitism of empire. This intrusion seems to begin, for Kloppenborg, with the Hellenistic empires but only becomes determinative of a new exploited class of laborers as a function of Roman influence. The development that Kloppenborg has traced is, however, compromised by the fact that he has not subjected the pre-exilic and Persian eras to the same scrutiny he affords the Hellenistic and Roman periods.

As support for his thesis, he draws on three different types of *surviving* evidence.⁹ First, literary data: that there is no mention of hired (day) laborers or tenants in the Tanakh or LXX; that there are no literary references to hired (day) laborers (*po' alim/ergatai*) prior to the Greek translation of the Book of Ben Sira in the second century BCE; that the earliest literary references to tenants are in the New Testament and Mishnah.¹⁰ Second, papyrological data: that tenancy graces our sources for the first time with the Zenon papyri and only emerges again with the late first-century CE Judean desert documents.¹¹ Third, archaeological data, drawing particularly on surveys: that there was an expansion of estates as well as the size and capacity of treading floors and their reception tanks during the Hellenistic and Roman periods.¹² Kloppenborg has convincingly marshaled these sources to show that tenancy grew, especially as a result of technological development, between the First Temple period and the second century

⁸ Kloppenborg 2006, 284; 2008a, 32, 39–40.

⁹ It should be noted that Kloppenborg also attends to comparative evidence from Italy and Egypt.

¹⁰ Kloppenborg 2008a, 32, 41, 54–5, 61. A weakness in his approach to the literature is that he expects the terms used in the Hebrew Bible and LXX for hirelings and tenants to be the same as they are in the Mishnah without allowing for the same labor arrangement with a different label (e.g., תושב rather than חכיר or שכיר; ערים rather than פועל; μισθωτός rather than ἐργάτης).

¹¹ Much to his credit, Kloppenborg 2006 provides a very useful and carefully prepared appendix with texts and translations of fifty-eight Greek papyri pertaining to ancient viticulture, including those with relevance to Palestine.

¹² Kloppenborg 2006, 284; 2008a, 42–4, largely based on the survey evidence from Samaria in Dar 1986.

CE.¹³ Building on Morris Silver's (2009) critical response to Kloppenborg's work, however, I take issue with Kloppenborg's implications that tenancy in Palestine was introduced by foreign empires, became more exploitative in the Early Roman period, and had a largely negative impact on Judean farmers and laborers, leading to the formation of a new proletariat.¹⁴ The ensuing discussion challenges these three points.

Land Tenancy from the Iron Age to the Hasmoneans

Kloppenborg is correct that the origins of agricultural tenancy in Palestine are difficult to pinpoint, but he has been too quick to focus his investigation on the Hellenistic period. Instead, both literary and epigraphic clues demonstrate that some form of tenancy was operative since the time of the pre-exilic monarchy. This should not be surprising since an abundance of documents have left little doubt that tenancy had been practiced in Mesopotamia for centuries, with temples, kings, and private (often urban-based) landowners leasing out their property to legally free tenant farmers.¹⁵

The earliest evidence that tenancy was also a defining characteristic of labor and production in Israel and Judah comes from the writings associated with the eighth-century prophets, Amos, Hosea, Isaiah, and Micah. D.N. Premnath has illuminated these prophetic texts with indications of

¹³ Kloppenborg (2006, 284; 2008a, 43) points to the introduction and increasing use of the beam press as commensurate with the rise of large estates that enabled the transition to tenancy. Yet, the beam press came into use at the early end of this range in Palestine, Iron Age II at the latest, and remained the primary technology for wine and oil production through the Early Roman period, although presses became more complex as producers developed new ways of applying pressure to the beam. Notably, even as various screw presses were developed in the first century BCE in Italy, they were apparently not used in Palestine until the second century CE. Thus, while there was surely technological development in agricultural industries between Iron Age II and the Middle Roman period, continuity is the more striking trend. See Frankel 1999.

¹⁴ In other contributions, Kloppenborg has connected the growth of tenancy and increase in free laborers directly to urbanization in Early Roman Galilee, casting the expropriation of "peasant holdings" as a stimulus for the Jesus movement and production of the Q source (2000b, 234–42; 2008a, 85–97). On the imperial impetus for a new degree of exploitation, see also Fiensy 1991, 21: "The peasants of post-exilic Palestine lived their lives as peasants everywhere, as an endless cycle of planting and harvesting. Always for them there was God, the family, and the land. They earned their subsistence by the sweat of their brow with the help of their children, and in special needs with the help of their extended family members. Most were about equal in wealth and satisfied with what they had. But then the Hellenists came." Fiensy goes on to temper this some, noting the existence of large estates in pre-exilic times and saying that the difference in the Hellenistic and Roman periods is the degree of intensity and exploitative efficiency.

¹⁵ Jursa 2010, 55–7.

wealth in the Samaria ostraca and luxury items from sites such as Megiddo in order to argue that eighth-century prophecy was a response to “latifundialization,” the emergence of large estates, and consequently the employment of free tenant and wage labor (as well as slave and *corvée* labor).¹⁶ Among other oracles, Isaiah’s woe against those who “join house to house and add field to field” (5:8) is a potent criticism of such a process.¹⁷ Similarly, Micah’s ideal vision of each person sitting under their own vines and trees (4:4) should be understood as a criticism of current practice, not a description of it (*viz.* Mic 2:2).

Unfortunately, the current evidence does not allow us to place parameters on the early phases of the transition from patrimonial land tenure to tenancy farming and hired labor. It also does not allow us to determine if these large estates were actually private (implying alienability), rather than a denomination of royal land. In any case, it appears that the transition to tenant farming was already underway in some form during the monarchy and is therefore not an imposition of a foreign empire.

One important Hebrew document stands in support of the existence of tenancy in the monarchic period, the Yavneh-Yam ostrakon. Dated by archaeological context and paleography to approximately 625 BCE (the reign of Josiah),¹⁸ this letter contains the complaint of a harvester to the governor at the nearby fortress where the ostrakon was found, and requests the return of a garment of his that was seized by a certain Hoshaiiah. Frank Cross has argued that the sender of the letter, whose name has not been preserved, was one of the tenant farmers (he mentions as witnesses “those

¹⁶ Premnath 2003. Premnath’s theory that the references to estate accumulation by elites in the eighth-century prophets betray a transition to tenancy farming and hired labor recognizes that the elites building estates are not portrayed as royal or related to the military. On the archaeological evidence of the accumulation of property by elites, see also Dever 2012, 206–48. Production on royal estates, however, was organized partially, if not mostly, through *corvée* labor (2 Sam 20:24; 1 Kgs 4:1–6; 5:13–18; 9:15–24; 10:26). See further Bardtke 1971; Gottwald 2001, 48–52. Kloppenborg (2008a, 39–40), focusing on 1 Sam 8:11–17 in particular, identifies the trend towards estate accumulation by the king and elites in the eighth century and concludes that we cannot know what type of labor took place on private estates at this time. He suggests, nevertheless, that it was probably hired labor based on the isolation of the category of שָׂכִיר (“hireling”) from slavery (Lev 25:6, 40; Deut 15:18; cf. Lev 19:13; Job 7:3; Mal 3:5). In so doing, he too quickly dismisses the comparative evidence of tenancy in the Near East as well as the position of the תַּשְׁבּ (“tenant”) in relation to the hired workers and slaves in the Torah (see below). On private and royal land tenancy in Iron Age Israel, see further Borowski 2002, 21–9.

¹⁷ Premnath 1988.

¹⁸ The dating of the archaeological context of the ostrakon is based on a considerable quantity of East Greek pottery dated to 630–600 BCE and local pottery also from the seventh century BCE (Joseph Naveh, “Ḥashavyahu, Meṣad,” *NEAEHL* II: 585–6).

who were harvesting with me in the heat," l. 10) who worked on a royal estate in Ḥaṣar 'Asam. This estate was under the jurisdiction of a military commander functioning as a district governor (*śar*) at the fortress located at Meṣad Ḥaṣavyahu (about 1.5 kilometers south of Yavneh-Yam).¹⁹

The seizing of this man's garment represents the claim of a creditor. This is why the appeal repeatedly stresses that this tenant has measured and stored a portion of his own grain harvest "according to regular practice" (l. 5).²⁰ An inscribed stone weight found at the site of the fortress as well as ostraca recording weight designations suggest that rents in kind were closely monitored.²¹ Although the letter does not disclose whether his grain transmission amounted to a fixed or proportional rent, or fell under the terms of a sharecropping agreement, this document shows that the Levant was not excluded from the dominant land tenure structure of the Near East during the Iron Age.

The Holiness Legislation (Lev 17–26 and additional passages in the Torah) represents a priestly attempt at reforming the institutions of land tenure during the late Iron Age or early Persian period, ostensibly in order to protect tenants, laborers, and slaves. Joram Mayshar has demonstrated that, in this legal material, the term *toshav* refers to a "tenant," while *śakir* means "hired laborer."²² Leviticus 25:6 carefully distinguishes the different categories of laborers when instructing landowners about who may eat from the land in the sabbatical year: "And the Sabbath of the land shall be for you to eat – to you, and to your male slave, and to your female slave; and to your hireling (*śakir*) and to your tenant (*toshav*) who reside with you."²³ Building on Jan Joosten's identification of *toshav* as a socio-economic category separate from the *śakir*, Mayshar has pulled together

¹⁹ Cross 1962, 34–5, 42–6.

²⁰ In response to Cross's interpretation of the letter, Talmon (1964) has argued that the claimant is a corvée laborer rather than a tenant farmer on a royal estate (see also E. Stern 2001, 172). Although Talmon has helpfully clarified some of the language used in the letter, his argument is unconvincing for four reasons: first, the letter repeatedly emphasizes that the harvest (that is, part of it) belonged to the claimant (ll. 7, 9); second, Hoshaiiah is not identified as a military official or agent; third, the mention of "regular practice" (l. 7; cf. l. 9) suggests that this was not a form of short-term labor; fourth, although the title שר (l. 1) denotes a high military official, other ostraca indicate that such officials also acted as civilian authorities with control over land distribution (E. Stern 2001, 172). Nevertheless, the corvée labor interpretation cannot be resolutely dismissed; if correct, it would only serve to show how blurry the distinction between conscripted labor and tenancy was on royal land at this time.

²¹ See Naveh 1962; Talmon 1964, 37–8.

²² Mayshar 2014.

²³ והיתה שבת הארץ לכם לאכלה לך ולעבדך ולאמתך ולשכירך ולתושבך הגרים עמך. Translation adapted from Mayshar 2014, 230.

clues from the Holiness Legislation that show that the *toshav* must have been a tenant.²⁴ Interestingly, the term *toshav* derives from the verb *yashav*, whose Akkadian cognate *ašābu* yields the usual term for “tenant” in Neo-Babylonian sources, (w)*aššābu(m)*.²⁵ Moreover, the presence of hired and dependent laborers in the Levant in the Neo-Babylonian and Persian periods fits with the significant documentary evidence of these types of labor becoming more widespread in Babylonia at this same time.²⁶

After establishing the principle that the land belongs to God (25:23), thereby construing all Israelites as God’s tenants in a theological sense, the Holiness Legislation stipulates how to treat fellow Israelites who have become impoverished.²⁷ Its instructions pertain to three “stages of destitution”: first, when an Israelite has to sell part of his property (25:25–34); second, when he has lost his land (25:35–8); and, third, when he has been forced into debt-slavery (25:39–46).²⁸ The second stage of impoverishment, when one has lost their land, addresses the socioeconomic position of the *toshav*: “And if your brother shall be impoverished, and stretched his hand to you – you should sustain him as an alien tenant (*ger wetoshav*), so that he shall live with you.”²⁹ This Israelite who has lost his land remains legally free and has the opportunity to become stable again as a tenant, perhaps on his own seized land. A later verse even indicates that the *toshav* could own a slave if he needed and could afford one (25:47). The third and most dire stage of destitution covers an Israelite who has been bought as a slave (*‘eved*), urging that they not be treated like a slave, but rather as either a tenant (*toshav*) or hireling (*šakir*).³⁰ In the implied hierarchy of dependent

²⁴ Joosten 1996, 74; Mayshar 2014, 226–9.

²⁵ Mayshar 2014, 242.

²⁶ Beaulieu 2005; Jursa 2008; Altmann 2016, 116.

²⁷ Discounting the suggestion of Prenzel (1971, 2) that the understanding of Israelites as tenants of God in Lev 25:23 is comparable to tenancy, Kloppenborg retorts that, “This text, however, refers to the Israelites as *gerim*, ‘sojourners,’ rather than *hokerim*, tenants” (2008a, 32). That the Mishnaic term חכיר is not used in the Torah, however, does not entail that tenancy did not exist. Contra the usual understanding of גר ותרשב referring to a single person as a “resident alien,” Mayshar (2014, 226–9) has followed Joosten (1996, 74) in isolating תרשב as a distinctive category of dependent laborer (specifically a tenant). If גר ותרשב meant “resident alien,” it would be redundant since גר alone already denotes just that. Thus, Mayshar accepts גר ותרשב as a proper hendiadys, but one that refers to a resident alien employed as a tenant – i.e., an alien tenant (see Lev 25:35 below). When the term appears with שכיר ותרשב, however, this is not a hendiadys but a merismus (see also כהן ושרכיר in Lev 22:10). On the theological theme of conditional tenancy already in the pre-exilic prophets, see Cook 2004, 95–106.

²⁸ See Milgrom 2001, 2183–241.

²⁹ Lev 25:35. Translation from Mayshar 2014, 234.

³⁰ The term תרשב is translated by πάροικος in the LXX. As Mayshar has pointed out, in the Hellenistic period, πάροικος (“resident alien”), which primarily had an ethnic

laborers, the tenant is better off than the hireling, but both are superior to the slave by virtue of their legal freedom. These instructions to landowners provide protections to impoverished and indebted Israelites presented as reforms of current practices. In so doing, they validate and even glorify the unequal relationship of free dependent laborers to landowners as a positive alternative to debt bondage that has the potential to restore the impoverished to more stable economic conditions.

In Nehemiah's appeals to the nobles of Achaemenid Yehud (part of the satrapy called '*Avar Naharah*, "Beyond the River") to restore the fields, vineyards, olive orchards, and houses they acquired, one gleans signs that the Holiness Legislation had not managed to prevent rampant inequality and a burgeoning debt crisis.³¹ Central to Nehemiah 5:7–12 is the problem of interest (*masha'*). In contradistinction to the Holiness Legislation (especially Lev 25:35–7), elite creditors were accused of charging interest on loans that prevented people from escaping debt.³² Antichretic loan agreements, Nehemiah implies, reduced to debt-slavery (5:5) those who should have been able to ameliorate their economic conditions through tenancy or hired labor under the terms of the Torah.

Lisbeth Fried has illuminated the situation depicted in Nehemiah with clues in official Achaemenid correspondence, demonstrating that these indebted Judeans were tenants on royal land.³³ Under the pressures of the "king's rent" – *middat hamelekh* in Nehemiah 5:4 – and perhaps also periods of conscripted labor (*halakh* in Ezra 4:13; 7:24), these tenants often

meaning, replaced the Classical μέτοικος, which referred to resident aliens who were usually employed as wage laborers or tenants since they could not own land. In the Byzantine period, the term μέτοικος was again used for a tenant farmer (Mayshar 2014, 241, 245). Judith 4:10 is an instance, however, in which πάροικος may be used to refer to a tenant (there is no indication of this person being a foreigner) as distinct from a hired laborer and slave, but all employed by the same man. Meanwhile, the term שכיר is translated by μισθωτός ("hired laborer") in the LXX. This term is used in the NT (Mark 1:20; John 10:12, 13; cf. μισθοιοι in Luke 15:17) for hired workers (though not in specifically agricultural roles), but happens to be less common in the NT than the synonymous term ἐργάτης (which was not only restricted to farm laborers either; see Josephus, A.J. 8:58; 15:390; B.J. 4:480). It is because of this variation in language over time that Kloppenborg's (2008a, 54–5) claim that wage laborers and tenants have only become an "essential part" of Palestine's economy once terms like ἐργάτης appear in the literature is insufficient.

³¹ By this statement, I make no judgment as to whether the Holiness Legislation was known to Nehemiah, but only that its prescriptions (whether widely known or not) were not widely observed.

³² Pastor 1997, 15–20; S. Adams 2014, 109–11. Rappaport et al. (1994, 75) think that tenants "may have existed in larger numbers temporarily during the time of Nehemiah," but otherwise remark on how little we know about them prior to the Hellenistic period.

³³ Fried 2015.

needed to take out loans from wealthy creditors, who did not actually come into possession of the land, but only its usufruct. The people's cry that "Our fields and vineyards belong to others!" (Neh 5:5), then, refers to the *de facto* ownership of the land by creditors who deprived the tenants of the usufruct on the property they needed to repay their debts.

This situation of widespread indebtedness and dependent types of labor forms the background of the Samaria Papyri discovered at Wadi Daliyeh (about 14 kilometers north of Jericho). These documents were recorded in Achaemenid Samaria between 375 and 335 BCE, at which point their owners carried them with them as they fled the city during Alexander's siege. As the Aramaic legal archives of Samaria's elites, these documents mostly refer to the property of elites and thus serve as a complement to the evidence of royal property and administration from Persian Yehud. While these archives do not contain tenancy contracts, they do tend to support the portrait of land tenure outlined above. Most of the documents are slave sales including at least two antichretic slave pledges.³⁴ The latter are particularly interesting because they suggest that a considerable portion of Samaria's slaves were reduced to slavery through debt: individuals who could not repay their debts to elite creditors became debt-slaves for at least a period of time.³⁵ It also appears that one document is an antichretic pledge of a vineyard in which a debtor has conveyed the usufruct from their vineyard in order to settle a debt.³⁶ Although the legal details of these institutional arrangements remain elusive, it is clear that elites gained much of their wealth in this period through more-or-less usurious loan practices.

Achaemenid Yehud was thus largely royal land farmed by tenants who often became indebted to elite creditors. The balsam groves of Jericho, which continued to be royal property through the Herodian period, were formerly Achaemenid *paradeisoi*.³⁷ Nearly three thousand jar handles stamped with "Of the King," "Yehud," and other impressions discovered at a number of sites and dated between the late eighth and second centuries BCE indicate that royal land was rather extensive, and demonstrate that the Achaemenid administration of land tenure in Palestine was characterized by the same kinds of economic relationships as that of the Iron Age and Hellenistic era.³⁸ To be sure, there was a major decline in settlement

³⁴ WDSP 10, 12; cf. 13 (*recto*), 27.

³⁵ Gropp et al. 2001, 7; Gropp 1986; Hezser 2005, 271; cf. Dušek 2007.

³⁶ WDSP 16.

³⁷ Theophrastus, *Hist. plant.* 9.6.1; Pliny the Elder, *Nat.* 12.111–23. See Hengel 1974, I: 44–5; Rappaport et al. 1994, 77–8; Pastor 1997, 22–3, 25; Aperghis 2011, 21.

³⁸ E. Stern 2001, 174–89, 543–52; Lipschits 2015. See also Borowski 2002, 28–9.

occupation that transpired in Yehud following the Babylonian conquest, as well as a series of significant administrative and social changes.³⁹ My point is simply that an institutional framework of land tenure that involved dependent laborers and some proportion of royal land was continuously present in the Levant from the Iron Age through the Persian period. Furthermore, the use of Greek luxury items, Attic red-figured ware, the Attic standard, Olynthian millstones, and crushing stones with lenticular cross-sections in olive presses corroborates the impression that tenancy in the Levant supported technological development and long-distance trade during the Persian period.⁴⁰

Hecataeus of Abdera, a member of the court of Ptolemy I Soter, attests to the situation of landownership around the transition to Ptolemaic rule in 301 BCE. Hecataeus's ethnography of the Judaeans, like his work on the Egyptians, was intended to teach the Ptolemaic elites about the people they now rule.⁴¹ He describes the pre-Ptolemaic land distribution in this way: "[Moses] led out military expeditions against the neighboring tribes, and after annexing much land apportioned it out, assigning equal allotments to commoners and greater ones to the priests, in order that they, by virtue of receiving more ample revenues, might be undistracted and apply themselves to the worship of God. The commoners were forbidden to sell their individual allotments, lest by the greed of those who bought the allotments, the others might be made poor and oppressed, and so the nation might suffer a shortage of manpower."⁴²

Reading past his romanticizing emphasis on the Judaeans' ethical propensity for egalitarianism, one finds a land tenure situation like that of Nehemiah's time. Priests received a greater share of the land because of

³⁹ The question of "continuity" between Iron Age II and the Persian period in Yehud has been a matter of considerable debate in recent years. Faust (*inter alia*: 2007; 2012) has rebutted the so-called new consensus of the "continuity school," which argues that there was considerable continuity in rural Yehud following the Babylonian invasion. He argues, instead, and in agreement with the biblical sources, that there was a major desolation in the sixth century CE. Faust has often used Lipschits (*inter alia*: 2005; 2015) as a foil for his argument for desolation, but, as Zorn (2013) has pointed out, Lipschits and Faust agree that there was a major decline in settlement occupation. Their main disagreement regards the scale of this decline, which Faust views as more severe. Faust's studies are not without problems, however. This is not the place for a full discussion. In short, I agree with Zorn (2013) that Faust has been too quick to discount the evidence of continued occupation at rural sites like Rogem Ganim and Ramat Raḥel as well as archaeological evidence of administrative centers with contingents of elites at Mizpah and Tell en-Naṣbeh.

⁴⁰ Ambar-Armon and Kloner 2007; E. Meyers and Chancey 2012, 3–7; Magness 2012, 57–61.

⁴¹ See further Bar-Kochva 1996, 18–43.

⁴² Hecataeus of Abdera apud Diodorus Siculus 40.3.7. My adaptation of the LCL translation (ed. F. Walton and R. Greer).

their larger income and those trying to gain more land threatened the ideal of equally shared land. Jack Pastor has argued, however, that this description shows that land was privately owned prior to this point and has used this observation to support his larger argument that it was the Ptolemies who transformed Palestine into mostly royal land.⁴³ He ignores three points: first, that Moses is depicted as a king who took possession of land by military force (i.e., “spear-won land”); second, that Hecataeus uses the Greek term *klēroi* for the land allotments Moses distributed – the specific category of land granted to kleruchs, or military veterans; and, third, that this land was inalienable (“commoners were forbidden to sell their individual *klēroi*”).⁴⁴ Hecataeus has not described private landownership. On the contrary, he has used the Ptolemaic language of land categorization to indicate that the Judaeans’ land was largely kleruchic.⁴⁵ This depiction does not convey that the land was mostly royal land, but also does not claim that it was privately owned. If anything may be considered useful in this description, it is Hecataeus’s impression that the land was centrally organized and inalienable.

The Ptolemies ruled all of their territories similarly. They turned most of their land into *gē basilikē*, royal land, while also “granting” some land to temple priests as sacred land (*gē hiera*), some land to military veterans as kleruchic land (*gē klērouchikē*), and some land to “friends” as gifts (*gē en dōreai*).⁴⁶ There was also some private land (*gē idioktētos*), or at least land that was increasingly treated as alienable, especially later in the Ptolemaic age.⁴⁷ Labor on each of these categories of land was performed by a mix of slaves, tenants, and hired workers.

⁴³ Pastor 1997, 22–3, 31. See also Tcherikover 1999, 122–3.

⁴⁴ Pastor (1997, 22) recognizes that the land is described as inalienable, but seems to consider this a distinctive Judaeon protection for private land.

⁴⁵ Cf. Let. Aris. 116: “Originally <the country> contained not less than sixty million *arouras* – though afterwards the neighboring peoples made incursions against it – and six hundred thousand men settled in it in plots of a hundred *arouras* each” (<τῆς δὲ χώρας> οὐκ ἔλαττον ἑξακισχιλίων μυριάδων ἀρουρῶν κατὰ τὸ ἀρχαῖον οὐσης μετέπειτα δὲ οἱ γειτνιῶντες ἐπέβησαν αὐτῆς ἐξήκοντα μυριάδες ἀνδρῶν ἑγκληροὶ καθιστῆσαι ἑκατοντάρουροι). Translation from L. White and Keddie 2018.

⁴⁶ On these and further variations of Ptolemaic land categorization, see Rowlandson 1996, 27–31; Manning 2003, 54–6 *et passim*; Monson 2012, 75–9; Blouin 2012, 23–7.

⁴⁷ Although it was once believed that the private land in Ptolemaic Egypt was limited to gardens and orchards, if that, great advances have been made in recent years in the understanding of private land in Ptolemaic Egypt and its implications for the transition to Roman rule. According to Monson (2012, 79), γῆ ιδιόκτητος in the Ptolemaic period “merely distinguished fiscally royal land that was in private ownership or obtained by auction from royal land that was cultivated by royal tenants.” Monson (2005; 2012, 131–41) has also shown that “temple land” was often sold at auction, inherited, or purchased through private contracts under the Ptolemies. See also Manning 2003, 182–225.

Several Greek documents attest to a labor force of hired workers on estates in Ptolemaic Palestine. One of these, the Rainer Papyrus, which is dated to 261/60 BCE, makes the following statement: “If anyone in Syria and Phoenicia has bought a free native person (*sōma laik[o]n eleutheron*) or has seized and held one or acquired one in any other manner ... [you must declare or present him].”⁴⁸ The *sōmata* (literally, “bodies”) in this papyrus are not legally slaves. Ptolemaic documents usually use the term *douloi* for slaves. Sometimes they do use *sōmata* as slaves but usually only when ownership is indicated by a verb such as *echō*, “to hold.”⁴⁹ In the contemporaneous Zenon papyri, also referring to the situation in Palestine, *sōmata* is often used for legally free laborers, whether hired, conscripted, or indebted. Although it is often difficult to determine the precise nature of the labor arrangement, an undated account of wages from the mid third century BCE (*P.Col.Zen.* 104) leaves no doubt that *sōmata* (l. 33) were sometimes paid as free day laborers, suggesting that there was only a categorical distinction between *sōmata* and laborers known as *misthioi/misthōtai* or *ergatai*.⁵⁰ To be sure, the Rainer Papyrus and similar documents highlight the thin line between slaves and legally free agrarian laborers in Hellenistic (and Roman) tenancy.⁵¹ As Roger Bagnall and Peter Derow have pointed out, however, this decree requires landlords to register free laborers as a way

⁴⁸ SB V: 8008, ll. 33–9 = *C.Ord.Ptol.* 21–2. Translation from Bagnall and Derow 2004, 111–13. See also the discussion in Chapter 3.

⁴⁹ Kloppenborg (2006, 574) offers a helpful list of instances in which *σῶμα* is used in papyri relating to viticulture. He glosses the term as “slaves or workers” but omits *σῶμα* in his list of titles for laborers (2006, 566).

⁵⁰ As the editors point out, *P.Col.Zen.* 75 evinces three different groups of temporary laborers – hired hands (*μισθοιοι/μισθωται*), men hired on a monthly basis (*καταμήνιοι*), and specialized vinedressers (*ἀμπέλουργοι*). Also listed are servants (*παῖδες*) who were regularly hired by the estate and also received wages. See Westermann et al. 1940, 40. The *σώματα* of *P.Col.Zen.* 104 correspond to the *μισθοιοι* of *P.Col.Zen.* 75 according to the editors (Westermann et al. 1940, 124), but elsewhere they seem to correspond to *παῖδες* (e.g., *P.Col.Zen.* 87). What matters for our purposes is that the *σώματα* that the Rainer papyrus indicates were active on estates in Palestine were free hired laborers with a significant role in agricultural production in the third century BCE. According to von Reden (2007, 132), “In tax documents *sōma* is the general term for taxable person.” On wage labor in the Ptolemaic kingdom, see further von Reden 2007, 130–49. Though downplaying *σώματα* as wage laborers, Kloppenborg (2008a, 55) has noted that the Zenon papyri also regularly mention *ἐργάται*, offering a number of examples in the appendix to his book (2006, 559).

⁵¹ Ste. Croix (1989, 152–5) even likened the *σώματα* of this decree to medieval serfs. It is often noted that the potential to own slaves calibrated the wages of hired laborers since, for hired laborers to be preferable to slaves from the perspective of the management of an estate, their wages had to amount to less than the cost to buy, accommodate, and feed a slave. See, e.g., Parássoglou 1978, 54. There were other factors, of course. For instance, wage laborers could be preferable because the nature of the work required only temporary assistance.

actually to regulate holding free laborers as slaves (probably on account of debts), since registering them meant paying taxes on them.⁵²

A letter addressed to Apollonios the *dioikētēs* of Ptolemy II in 258 BCE indicates that hired workers were joined by tenants on royal estates in Palestine. Part of this letter, which Kloppenborg considers one of the earliest clues to the existence of tenancy in Palestine,⁵³ suggests that some tenants on royal estates were also smallholders:⁵⁴ “[Melas, the collector of rents] needed [wine] for the workers (*sōmata*) he had in the city, and most [of the tenants] owned their own vineyards from which they could get pressings. To those who did not own vineyards he promised that he would provide sufficient [pressing].” To be clear, the letter only indicates that some tenants owned their own vineyards, and should not be taken as proof of widespread private landownership in Hellenistic Palestine. Nevertheless, Kloppenborg has rightly emphasized that this letter shows that royal estates hired tenants and day laborers and that some tenants who were needed for specialized work such as viticulture also owned their own vineyards. Free wage laborers and tenants, then, were part of the tenancy situation in the early Hellenistic period, just as they had been since the Iron Age.⁵⁵

As in the Persian period, an immeasurable but notable portion of production on royal estates was oriented towards export. The Zenon papyri that deal with the situation of the vineyard at Beth Anath (probably in Upper Galilee), for instance, betray such an interest in the intensification of land exploitation for the purpose of export. This section of a letter from Glaukias (257 BCE), who oversaw Ptolemaic estates in Palestine, to the same Apollonios the *dioikētēs*, is suggestive:

When I was in Baitanota [= Beth Anath], I took Melas with me and inspected the vineshoots and all the other things. He [Melas, the same collector of rents] seems to me to have accomplished enough, and he said that the vineyard has 80,000 vines. He has built a cistern and sufficient

⁵² Westermann 1938; Bagnall and Derow 2004, 111; L. White and Keddle 2018, 364–6. As with the decree in Let. Aris. 21–7, which may have been based on the Rainer papyrus or a similar Ptolemaic decree, legal slaves are not the immediate issue here. Instead, the Letter of Aristas decree involves Judean captives who are legally free and therefore should be released, while the Rainer papyrus attempts to regulate the deployment of labor by persons who are technically free but have been “bought,” “seized,” or “acquired ... in any other manner.”

⁵³ Kloppenborg 2006, 291–2; 2008a, 44.

⁵⁴ PSI VI: 554 = *C.Zen.Palestine* 22. The translation here is adapted from Kloppenborg 2006, 359–64 (no. 1).

⁵⁵ Compare Freyne 1980, 159, also emphasizing the continuity in the land tenure relations of Ptolemaic Palestine with earlier periods.

housing. He gave me a taste of the wine and I could not tell whether it was Chian or local. So your business is flourishing and fortune is favoring you in all things.⁵⁶

Since Kloppenborg has estimated that 80,000 vines would have produced about 150,000 liters of wine per year, there is no doubt that this was an operation intended to produce wine for export, as a letter recounting the receipt of the delivery of wine from this vineyard by Apollonios in Egypt confirms.⁵⁷ Also striking in this regard is the remark that it tastes like the famous wine from the island of Chios rather than a local imitation. Surely not every tenancy operation was this large, and we should acknowledge technological progress in tenancy between the Ptolemaic and Early Roman eras, but large-scale tenancy was not a new development in Pompey's wake.

The Hefzibah inscription from the Beit She'an (Scythopolis) Valley, which addresses property owned by Ptolemy son of Thraseas as well as royal land managed by him, and Josephus's tale of the Tobiads – the elite, land-owning tax-farmers who inhabited the palace (Qasr al-Abd) at 'Iraq el-Amir in Transjordan – demonstrate that Seleucid land distribution was relatively continuous with Ptolemaic practice.⁵⁸ Most land was royal land, but there were also other categories of granted land (especially kleruchic land) that were in some ways treated as *de facto* private land, as well as some smallholdings. Agricultural labor was performed by a mixture of slaves, tenants, and hired laborers.

Evidence is especially meager for Hasmonean times, but there is no reason to think that the institutional structure of land tenancy changed significantly. Applebaum's expectation that the Hasmonean kings restricted royal land in order to protect "Jewish peasants" is a fantasy not supported by the sources.⁵⁹ Instead, much of the kingdom would have remained royal land, which the Hasmoneans acquired from the Seleucids.⁶⁰ Just how

⁵⁶ *P.Lond.* 1948, ll. 4–9 = *C.Zen.Palestine* 36. Translation adapted from Kloppenborg 2006, 368 (no. 3). For further discussion, see Tcherikover 1999, 67; Hengel 1974, I: 39–40; Freyne 1980, 171–2; Pastor 1997, 27–8; Kloppenborg 2006, 297, 367–70; 2008a, 45–7.

⁵⁷ Kloppenborg 2006, 285; 2008a, 46–7. The letter of 261–246 BCE indicating that wine from the Beth Anath vineyard was exported to Egypt is PSI VI: 594 = *C.Zen.Palestine* 34 = Kloppenborg 2006, 370–3 (no. 4).

⁵⁸ Y. Landau 1966; Fiensy 1991, 28–30; Berlin 1997, 11–15; Pastor 1997, 28–34; Gera 1998, 32–3; Grabbe 2008a, 56–7.

⁵⁹ Applebaum 1977, 360. Cf. Kreissig 1969, 231.

⁶⁰ E.g., 1 Macc 16:11–15; Josephus, *A.J.* 13:273; Schalit 2001, 171; Rappaport et al. 1994, 77; Safrai 1994, 323; Fiensy 1991, 22, 35–8. Pastor (1997, 81) is hesitant to identify in the sources any certain proof that the Hasmonean kingdom mainly comprised royal land. While his caution about rabbinic sources on the *הר המלך* is warranted, there is no evidence for the

much is impossible to determine. It is worth noting, moreover, that the Hasmoneans probably granted at least some kleruchic land to veterans in their expanded territory, which may account for the sudden appearance of Judaeian material culture in the north – for instance, at the formerly Seleucid fortress at Qeren Naftali.⁶¹ In addition to royal land and gifted land, there were likely still private landowners with small lots, but their existence is difficult to substantiate.⁶²

Early Roman Tenancy and the Expansion of Private Land

The earliest phase of Roman influence (63 BCE–6 CE) only gradually shifted the path-dependent institutional structure of tenancy, decreasing the portion of royal land and increasing the portion of gifted land. Several references in Josephus indicate that Herod acquired the properties of the Hasmoneans, and the occupational history of the Jericho palaces, in particular, evinces such continuity.⁶³ Josephus records Herod transferring land, whether previously categorized as royal or gifted or in the expanded domain Augustus added to his kingdom, into the hands of a number of his loyalists and veterans, and we may presume this was a common Herodian practice.⁶⁴

Hasmonean conversion of Seleucid royal land into private land – a transition that would have been far less likely to occur, yet far more likely to be mentioned in the sources if it did.

⁶¹ See Aviam 2013a, 15; Shatzman 1991, 83–7; Gabba 1999, 108 (though note that he does not recognize a distinction between types of gifted land and private land). Pastor (1997, 78) implies that the Hasmonean granting of kleruchic land probably happened, though he notes that there is little evidence of it. See Pastor's references for further issues in this debate. Dar (1986, I: 12–16; cf. 121) has surveyed several “military farmsteads” that could possibly have been Hasmonean kleruchic land, but this remains unclear.

⁶² One tantalizing clue to the presence of private landowners may be found in Judith 8:7, which depicts Manasses as a landowner who transmitted his property to Judith. Pastor has pointed to this as proof of some private landownership in Ptolemaic times (1997, 32–3), but the text is better viewed as a product of the Hasmonean era (Eckhardt 2009; Boccaccini 2012). Furthermore, Judith 3:9–10 may also convey knowledge of Gaba functioning as a military site during the Hasmonean period (Shatzman 1991, 85 n. 182).

⁶³ Pastor 1997, 100–1. On the Herodian takeover and reconstruction of the Hasmonean palaces at Jericho, see Netzer 2001, 1–10. As Netzer remarked (8), from about 36–30 BCE, Cleopatra VII owned Jericho and the Hasmoneans presumably still occupied the complex there (Josephus, *A.J.* 15:196). Thus, Herod may not have been in control of the Hasmonean land at Jericho until after Actium.

⁶⁴ On Herod confiscating the (gifted) land of nobles, see Josephus, *A.J.* 15:5–7; 17:305–7. Josephus also mentions Herod giving land to military veterans in Samaria (*B.J.* 1:403; *A.J.* 15:296), Gaba (*B.J.* 3:36; *A.J.* 15:294), and Heshbon (*A.J.* 15:294). He also gifted land, possibly to veterans, at Batanaea (*A.J.* 17:23–5) and in Trachonitis (*A.J.* 16:285). See further Goodman 1987, 37–41; Shatzman 1991, 217–76; Pastor 1997, 101–3.

Although the estates Herod redistributed were unlikely to have been categorized as private, they may have been deemed alienable. Gregg Gardner has shown that Early Roman Palestine witnessed, in keeping with a trend across the empire at this time, increased security for private property.⁶⁵ Julius Caesar's decree includes a clause illuminating an early stage in the advancement of private property rights in Palestine: "And whatever they may hereafter acquire, or buy, or possess, or have assigned to them – all these they shall keep."⁶⁶ Gardner has parsed out the legal distinctions here, concluding that the decree addresses the ownership of "items already legally owned (*eschon*); bought via the market and considered private property (*eprianto*); acquired via political, hereditary or other 'non-market' means (*dikateschon*); and places held collectively as public property (*ene mēthēsan*)."⁶⁷ The decree pertains to the Judaeans collectively, but with implications for individual property rights.

This raises questions about how lands confiscated by Herod would have been treated. It is likely that he held them to similar standards of ownership, but merged them with the land distinctions typical of the Hellenistic kingdoms, in which the majority of the land belonged to the state. Most land Herod awarded would have been classified as gifted land (perhaps according to some of the same categories as in Egypt, distinguishing temple, kleruchic/catoecic, and other types of gift land), but for the first time in Palestine's history, gift land was probably treated as alienable by purchase or inheritance and thus gained the *de facto* status of private land, as was the case in late Ptolemaic Egypt.⁶⁸

By confiscating the estates of the Hasmoneans and their loyalists and transferring them and additional land to his own loyalists, Herod played a crucial role in increasing the wealth and power of a new contingent of elites. The Hasmonean elites did not disappear entirely, for they were linked with (and subsumed by) the Herodian family, and even Josephus boasted Hasmonean lineage (*Vit.* 1:2).⁶⁹ Beginning with at least the Augustan phase of Herod's rule, however, no Hasmonean is found among the high priestly circles that served the Temple and had political and economic

⁶⁵ G. Gardner 2003, 54–5. Cf. Cicero, *Off.* 2.78. For an interesting discussion of the changing institutions of private property as driven by attempts to define the slave-relation, see Boer and Petterson 2017, 114–27.

⁶⁶ Josephus, *A.J.* 14:205: ὅσα τε μετὰ ταῦτα ἔσχον ἢ ἐπρίαντο καὶ διακατέσχον καὶ ἐνεμήθησαν ταῦτα πάντα αὐτοῦς ἔχειν.

⁶⁷ G. Gardner 2003, 56.

⁶⁸ Manning 2003, 182–225; Monson 2005; 2012, esp. 108–58, 249–74.

⁶⁹ On the interrelations of the Hasmoneans and Herodians during Herod's reign, see Kokkinos 1998, esp. 264–341; Günther 2009.

power as the new local elite in Jerusalem. A rabbinic polemic recorded in Tosefta Menahot 13:21 (with a parallel in Babylonian Talmud Pesahim 57a) castigates as economically exploitative the high priestly families that Herod empowered in place of the Hasmoneans:

Abba Saul b. Bitnit and Abba Yose b. Yoḥanan of Jerusalem say, ‘Woe is me because of the house of Boethus. Woe is me because of their staves. Woe is me because of the house of Qadros. Woe is me because of their pen. Woe is me because of the house of Elḥanan. Woe is me because of their whispering. Woe is me because of the house of Ishmael ben Phiabi. For they are high priests, and their sons, treasurers, and their sons-in-law, supervisors, and their servants come and beat us with staves.’⁷⁰

James VanderKam has established that this set of woes, though demagogic, correctly identifies the principal elite families serving the high priesthood from 30 BCE to 70 CE, as known from Josephus, the New Testament, and epigraphy (see [Appendix B](#)): the families of Phiabi, Boethus, Elḥanan/Hanin/Annas/Ananus, and Qadros/Qathros/Cantheras (likely an offshoot of the Boethus and Annas families). The family of Boethus (especially favored by Herod) came from Alexandria (A.J. 15:320), and it is likely that the families of Phiabi and Annas originated in the diaspora as well.⁷¹ Through Herod’s intervention, these families took control of Jerusalem’s foremost economic institution, the Temple, and also became holders of gifted land that was undoubtedly transmitted within these families and thus treated as private.

The introduction of direct Roman rule in Judaea in 6 CE catalyzed the conversion of gifted land and Herodian property into private land. Josephus claims that Augustus transferred Archelaus’s property (*ousia*) into “Caesar’s treasury” (B.J. 2:111). This could indicate that Augustus turned royal land in Judaea directly into imperial estates (Gk. *ousiai* or *gē ousiakē*), but the situation in Egypt commends a different explanation. Although scholars for a long time assumed that Augustus confiscated much of the land in Egypt as his personal *patrimonium* and then granted some of this land to his family and “friends” (“direct redistribution”), George Parássoglou

⁷⁰ Translation adapted from Neusner 2002, II: 1467–8.

⁷¹ VanderKam 2004, 394–490, 493 (esp. 422–3 on the identification of the Annas family in the polemic; 443–7, 449–51 on the Cantheras–Qathros connection; and, 405–6 on the possible Egyptian origins of the Phiabi family). Cf. Jeremias 1969, 195–6; Goodman 1987, 41; Richardson 1996, 244–5; M. Stern 1976, 601–12 (see also 612–18 on the non-priestly elites Herod also empowered). Note also that Ananel, Herod’s first high priest (37–35, 35–ca. 30 BCE) was a “rather obscure” priest summoned from Babylon by the king (Josephus, A.J. 15:173).

has argued otherwise. He has shown that, after Egypt was incorporated as a province, Augustus did not interfere much with royal land other than changing its name to “public land” (Gk. *gē dēmosia*/Lat. *ager publicus*). Many of the kleruchies and other gifted estates that were confiscated, however, were likely sold as a type of private land (Gk. *gē idiōtikē*/Lat. *ager privatus*) at ostensibly “public” auctions that were in all likelihood carefully controlled.⁷² Augustus did not transform land directly into imperial estates, but rather, imperial estates were formed when private owners who purchased their land at auctions bequeathed their property to the emperors upon their death.

As a military conquest, Egypt’s incorporation transpired under different conditions than the annexation of Judaea following Archelaus’s deposition. Nonetheless, the Egyptian *comparandum* suggests that Augustus would have treated royal land much as Archelaus did, taking any personal estates of Archelaus or land released by him to family members and putting them up for sale at auction. Josephus implies such a public auction in his references to the Syrian legate Quirinius arranging the liquidation of the house (*oikos*) and other property (*chrēmata*) of Archelaus.⁷³ As in Egypt, this action encouraged private ownership of land.⁷⁴ Unlike in Egypt, however, the properties of Judaeen elites were not confiscated; instead, it was likely Judaeen elites who purchased portions of Archelaus’s land. Following Archelaus’s deposition, then, there was an increase in private

⁷² Parássoglou 1978, 3–14. Whereas Parássoglou expected the auctions to be public, Rowlandson (1996, 56 n. 90) has rightly noted that they must have been relatively privileged (and hence, “closed market”) auctions since it appears that most of the prominent Romans who purchased properties in Egypt were “friends” and family of Augustus who otherwise had no clear interests in Egypt. In defense of the older view of Augustus confiscating Egyptian land and redistributing these estates as gifts to his “friends” and family, see Crawford 1976; Rathbone 1993 (note, however, Rathbone’s helpful discussion of the conversion of royal land to public and private land); Capponi 2005, 105–8. For a model of “indirect redistribution” that combines the direct redistribution model with Parássoglou’s model, see Lo Cascio 2015, 78–9; Tacoma 2015a. On Augustus’s seizure of the gifted properties of Cleopatra’s supporters, see Dio Cassius 51.16–17; cf. Suetonius, *Aug.* 18.1.

⁷³ Josephus, *A.J.* 17:355: Ἀρχελάου ἀποδωσόμενος οἶκον; 18:2: ἀποδωσόμενος τὰ Ἀρχελάου χρήματα; 18:26: τὰ Ἀρχελάου χρήματα ἀποδόμενος. Josephus uses the expression δημοσιώσκειν τὰς οὐσίας in *Vit.* 370 to indicate that property has been confiscated for public sale, while he does not specify the “public” aspect of the sale in the references to Archelaus’s estates. Perhaps Josephus assumed that these estates were only made available to elites in a special sort of auction not really open to the public, as in Egypt. In any case, Sartre (2005, 207) is correct that, if Archelaus’s estates were sold, they could not have been directly transformed into imperial estates as is sometimes assumed.

⁷⁴ See also Gabba 1999, 109.

landownership, consistent with the same development in Egypt in the Julio-Claudian era.⁷⁵

Less information is available for determining the breadth and impact of imperial estates. Yet, we know of one instance of imperial estates being formed much as they were in Egypt. When Herod's sister Salome died (ca. 10 CE), she bequeathed to Livia, Augustus's wife, her toparchy and its capital at Jamnia, as well as her palm tree plantation at Phasaelis. It was only upon Livia's death in 29 CE that these lands became imperial estates supervised by a procurator (*epitropos*), an arrangement confirmed by literary and epigraphic sources.⁷⁶

There can be little doubt that the Herods, like other client-kings, owned considerable tracts of land. Much of this David Fiensy (1991) has shown to have formerly been royal land under the Ptolemies, Seleucids, and Hasmoneans. The question is what happened to these lands when they came under direct Roman rule. Fiensy accepts the common assertion that the renowned palm and balsam estates in the region stretching from Jericho south to 'Ein-Gedi became "Augustus' private estate after Archelaus was banished," but he argues that most of the rest of the Herodian assets remained in the hands of the Herodian family.⁷⁷ Yet, while it seems certain that Vespasian exploited these lands as imperial estates after the First Revolt, they may have been public or private property before then.⁷⁸ It

⁷⁵ By the Middle Roman period, two-thirds of Egypt was private land and one-third public (Duncan-Jones 1994, 48). See also the breakdown of proportions by region in Monson 2012, 97, fig. 3-4.

⁷⁶ On Salome receiving the property and bequeathing it to Livia, see Josephus, *B.J.* 2:98, 167; *A.J.* 17:189, 321; 18:31. Notably, Augustus also allowed Salome to take control of the royal palace at Ashkelon. On the presence of an imperial freedman operating as procurator in charge of imperial estates at Jamnia during the reign of Tiberius, see *A.J.* 18:158–63; Philo, *Legat.* 200–3; *CIIP* III: 2268. See further the discussion in Ameling et al. 2014, 151–4. See Parássoglou 1978, 16–18 on Livia's estates in Egypt, which were also bequeathed to her and only became imperial estates after her death. On imperial estates in the East, see Millar 2004a; 2004b. On imperial estates throughout the empire, see Lo Cascio 2005; 2006b; 2007; 2015.

⁷⁷ Fiensy 1991, 27 (and references). Similarly, Safrai (1994, 322–6) misleadingly makes no distinction between imperial estates and royal land.

⁷⁸ Pliny the Elder implies that the balsam estates in Judaea (presumably the Jericho-'Ein-Gedi region west of the Dead Sea) were turned into imperial estates after Judaeans rebels attacked the lucrative properties there in the midst of the war (*Nat.* 12.111–23). Pliny's statement that the balsam tree "is now cultivated by the *fiscus*" (12.113) may indicate that Vespasian reorganized this region as imperial estates, as we would expect following the war (Cotton and Eck 1997). However, we should be wary of using this source to confirm specific economic conditions since Pliny is also advancing here an extended metaphor in which the unruly balsam tree represents the Judaeans, and its payment to the *fiscus* (12.112–13) alludes to the introduction of the *fiscus Iudaicus* as a consequence of the revolt (Keddie 2018b, 525–7). Additionally, it should be noted that *P.Yad.* 11 (124 CE) establishes that part

was only under the Flavians that imperial estates and public land became assimilated under the same imperial administration.⁷⁹

Meanwhile, it is unclear how much land remained in Herodian control during direct Roman rule. Augustus apparently treated the branches of the Herodian family separately, liquidating the assets of Archelaus's house alone. Herod's sister Salome's family received some favor from Rome, for instance, and thus her property was treated apart from Archelaus's, allowing her grandson Agrippa I to have enough land and wealth to be entrusted with a kingdom. The pseudepigraphic text known as 4 Baruch explicitly locates some agricultural estates of Agrippa (I?), consisting of vineyards and fig trees, right outside of Jerusalem "in the shadow of the mountain" (3:14).⁸⁰ Although this is probably a second-century CE text, there is no reason to doubt this unnecessary detail connecting this estate to Agrippa. The rabbis used the designation *har hamelekh*, the King's Mountain Country, to refer to the area around Jerusalem, implying that some of it had once been royal domain.⁸¹ Although the designation predates the Early Roman period, Agrippa I probably owned some land around Jerusalem, but not all of it and not as royal land. Josephus, a priestly elite, owned land outside of Jerusalem before the war (*Vit.* 422), perhaps in the so-called King's Mountain Country, and we should expect that most of Jerusalem's elites (priestly or lay) owned private property here too.⁸² Most likely, the

of Ein-Gedi was public/imperial land, but that there were also plots of private land there (cf. *P.Yad.* 19). Ilan's (1992) suggestion that Titus gave some of the Herodian properties in Ein-Gedi to Julia Crispina, the "Herodian princess" known from the Babatha archive, is intriguing but impossible to substantiate.

⁷⁹ Parássoglou 1978, 28; Kehoe 1992, 7, 17.

⁸⁰ Kokkinos 1998, 296–7. Kokkinos posits that Agrippa I took back much of the former Herodian royal land when he was given the kingdom, turning imperial estates back into royal land. It is more likely, however, that he took control of the revenues from "public land" while also continuing to hold his own private lands.

⁸¹ For the designation of the area around Jerusalem as *δρεινῆ*, cf. Pliny the Elder, *Nat.* 5.14.70; Josephus, *A.J.* 12:7; Luke 1:39, 65; *P.Mur.* 114 l. 6 (but note the late date, ca. 171 CE). On the *הר המלך* and the many problems in identifying its precise location on the basis of the later literary sources, see Fiensy 1991, 35–8; Sperber 1978, 168 n. 29; Dar 1986, I: 119–21; Applebaum in Dar 1986, I: 259–60. The debate over the kings responsible for this designation is pointless since the area had been royal land for centuries and it is hard to overlook how imprecisely the title is used. Although scholars usually prefer the Ptolemies, Hasmonians, or Herods, the idea that this land was the King's Mountain Country may be older still.

⁸² Fiensy 1991, 49–60. Although purely speculative, Bauckham (2012, 25–6; cf. 10) has made the attractive suggestion that modern Khirbet Qeiyafa took its name from the Caiaphas family and should be identified with ancient Beth Maqoshesh, which is where t. Yebam. 1:10 reports that Caiaphas lived. If the unprovenanced ossuary of a certain Mariam of the Caiaphas family did indeed originate in the Elah Valley, Khirbet Qeiyafa would be an excellent candidate for the area in which the Caiaphas family owned land.

Temple played some role in parceling out this land to priestly elites, and these properties likely received some sort of tax discount as sacred land (*gē hiera*).⁸³ Similarly in the north, Josephus refers to the extensive storehouse of Agrippa II's wife Berenice (*Vit.* 118–19) in Besara (Beth-She'arim), which served as the administrative center for her estates in the Jezreel Valley.⁸⁴ This suggests that Herodian elites maintained private properties, not that they held “royal land” in regions under direct Roman rule to the exclusion of private landowning.⁸⁵

As Palestine made the transition from client-kingdom to province, royal land gradually passed from Herodian control into private hands, facilitating resource accumulation by the province's elites.⁸⁶ This process, which relies on increased protection of private property rights, seems to have begun in earnest with Herod's granting of royal land to his family, “friends,” and priestly loyalists and received a boost with the sale of Archelaus's property. The lands owned after this point by the houses of Agrippa I and Agrippa II, for instance, were probably classified as private property (*gē idiōtikē/ager privatus*) rather than royal land, raising the question of what happened to the rest of the property that had been operated as royal land for centuries. As in Egypt, it probably became public land (*gē dēmosia/ager publicus*) on which rents (now constituting the *tributum soli*) were administered by a central fiscal office (*dioikēsis*) and its agents in each toparchy or city.⁸⁷

⁸³ It would be unusual for a temple in the Early Roman East not to own land from which it received revenues and on which it regulated labor (Duncan-Jones 1990, 123–4; Dignas 2002, 26–30; Monson 2005; Connor 2014). Philo explicitly states that the Jerusalem Temple received revenue from plots of land (ἀποτομῶς γῆς) in *Spec.* 1:76 (see Chapter 4 for further discussion). B. Gordon (2013) has argued that there was some sacred land in Early Roman Palestine but that this was not as important a source of revenue as at other Graeco-Roman temples. See also Honigman 2014, 338–9.

⁸⁴ Kokkinos 1998, 337.

⁸⁵ Fiensy (1991, 36–7, 55; 2014, 107–8) has pointed to Eleazar ben Harsom, for instance, as a priest the Amoraim remember as a landowner in the period after the First Revolt (b. Yoma 35a; y. Ta'an. 4:5; 69a; Lam. Rab. 2.2). Reportedly, he owned much land in the King's Mountain Country as well as at least the village of Shikhin in the Lower Galilee. Although these very late sources dealing with Eleazar engage in hyperbole and may thus be unreliable, the idea that a priestly elite would own private land in Jerusalem and in the north is hardly inconceivable. The post-70 timeframe also raises questions, however. See also Fiensy's (2014, 109–11) discussion of Joseph ben Simai as an administrator of imperial estates in the Lower Galilee under Vespasian.

⁸⁶ Goodman 1987, 58–60.

⁸⁷ Rathbone 1993, 84–6; Monson 2012, 95–6. On Roman public land more generally, see Duncan-Jones 1990, 121–2. Oakman (1986, 67) assumes that there was no *ager publicus* in Palestine prior to 70 CE, but this is unlikely. Given our dearth of evidence either way, it seems best to imagine that the situation in Palestine in its early phases of direct rule would have been similar to other provincial territories, in which the usual land division was between imperial estates, types of private land, and types of public land. On the

The Roman fiscal administration imposed greater regulation over the earlier institutions of rent collection on royal land through, for instance, censuses, receipts, archives, and close scrutiny over property boundaries. While this changeover may have been perceived by some as burdensome, in some ways it protected tenants and other laborers from certain abuses that were common in earlier fiscal regimes and it did not necessarily have any negative economic ramifications.⁸⁸ The legal and economic circumstances of the tenant and wage laborer would have changed little when royal land became public land, but their position relative to elites and the imperial state would have become more precarious.⁸⁹

Estate Fragmentation and Landowner–Tenant Relations

Palestine's land distribution was far more similar to that of Egypt, with its shared Achaemenid and Ptolemaic foundations, than that of Italy and the western provinces. Comparison with the *villae rusticae* and large agricultural estates of Campania, therefore, is not helpful.⁹⁰ As was discussed in Chapter 1, there is no substantial record of the economic and cultural influence of the *villa rustica* in Palestine in the Early Roman period. Some mansions influenced by Roman architectural schemas (e.g., the peristyle) and displaying a culture of excess did, however, begin to appear outside of cities in the late Hellenistic period.

Palestine's estates were not extensive plots of private land (so-called *latifundia*) that were operated mainly by slaves and had lavish villas on them.⁹¹

administration of public lands in Early Roman Egypt, see Swarney 1970; Rathbone 1993, 99–110. While the presence of a fiscal procurator for the province of Judaea at Caesarea Maritima can be confirmed through several sources for the period following the First Revolt (see Cotton and Eck 2005b), it is unclear what the highest financial administrative position was in Judaea under direct Roman rule prior to 70 CE. Most likely, this official (perhaps an imperial freedman) was subordinate to the financial procurator of Syria. After the war, however, Josephus mentions Vespasian sending a letter to the procurator of Judaea stating that all land of Judaeans should be leased (B.J. 7:216). While “all” land must be considered an exaggeration (see also Z. Safrai 1994, 324), it is conceivable that the post-war period witnessed a transformation of some private land into public land.

⁸⁸ Goodman (1991, 171) has made a similar point about the inception of direct Roman rule in Arabia, even suggesting on the basis of the Babatha archive that locals seemed eager to benefit from the new policies and protections that came with Roman rule.

⁸⁹ Parássoglou 1978, 4.

⁹⁰ Dar 1986, I: 34; Contra Fiensy 1991, 53.

⁹¹ It is difficult to comprehend the scale and significance of slavery in Early Roman Palestine due to the nature of the surviving evidence. Scheidel (1997; 2004; 2005; 2011; 2012) estimates that slaves constituted about 10% of the population of the Roman Empire as a whole. Slavery was, however, less widespread in the Roman East than in Italy and the West (Alcock 2007, 678; Rocca 2008, 213–39). Nevertheless, there can be little doubt

Rather, as in Egypt, a private “large estate” might have consisted of an agglomeration of a number of individual plots of land governed by different contracts. Fragmentation, or geographical disunity, was a defining feature of landownership and contract labor throughout the empire and is well known from the Egyptian documents. It was primarily the result of the splitting of estates as inheritances (a consequence of the emergence of private property rights) and the confiscation and reselling of lands by the state due to violations of contracts or failure to pay taxes.⁹²

The documents from the Judean desert demonstrate that disunity was the norm in the Levant as well. On the one hand, estates were disaggregated according to land declarations from the census of 127 CE, which list at least eight to eleven separate small plots of land belonging together to Sammouos, the first husband of Salome Komaise, and his brother Jonathan (*P.Ĥev./Se.* 62), and four somewhat larger plots of land belonging to Babatha (*P.Yad.* 16).⁹³ On the other hand, *P.Ĥev./Se.* 64 (129 CE) indicates that Salome Komaise received a date orchard as a gift from her mother on which she had to pay an annual rent to the “account of the *fiscus* of our Lord [the Emperor]” (*logon kyriakou phiskou*, ll. 28–9).⁹⁴ The document

that slavery existed in Early Roman Palestine and had significant consequences for the economy and social relations (see Hezser 2005). While slavery is not a central focus of this study, it has implications for it. For instance, the presence of slavery restricted the mobility of free wage laborers – that is, their ability to earn higher wages (contra Temin 2013, 114–38). For someone to hire a free laborer, the sum total of their wages typically had to be comparable to or lower than the cost to purchase, feed, and accommodate slaves.

⁹² Parássoglou 1978, 7; Garnsey 1988, 49; Duncan-Jones 1990, 126–38; Kehoe 1992, 19, 99; Rowlandson 1996, 124–38. For an exemplary document illuminating fragmentation in Egypt, see *P.Flor.* 50 (268 CE), which details the various types of public and private land plots that constituted the estate of a wealthy family in Hermopolis Magna. On rabbinic evidence for fragmentation in Palestine, see Sperber 1978, 187–203; Z. Safrai 2010, 250. On fragmentation in the Babatha archive, see Broshi 1992, 240. See further, *inter alia*, Cato, *Agr.* 1.7.9; Pliny the Younger, *Ep.* 3.19.

⁹³ For a handy chart listing land sizes in these documents, see Cotton and Yardeni 1997, 184. *P.Ĥev./Se.* 62 lists plots of 1.5, 0.125, <1.0, 1.0, and 0.08 bet se’ahs. *P.Yad.* 16 lists 1.6, 0.167, 3.0, and 20.0 bet se’ahs. Based on b. ‘Erub. 23b, which describes a bet se’ah (the area required to sow a se’ah of wheat seed) as 50 × 50 cubits, it is usually thought that one bet se’ah equals 625 square meters (Broshi 1992, 234; Wise 2015, 438 n. 204). However, some scholars have calculated higher estimates (see Lewis 1989, 69).

⁹⁴ There is some question as to whether the date orchard in *P.Ĥev./Se.* 64 was public or private property. The case for the latter rests mainly on the fact that it is alienable and that the rent that is paid could also be considered a tax (the word *τελῆν* is used in the Greek, but it should be noted that this document is a relatively sloppy translation of an Aramaic original and that this verb is not limited to tax transmissions). The case for the date orchard being on public/imperial land is much more defensible because of the specific reference to the account of the emperor’s *fiscus* and the payment in kind for rent. That one of the abutting properties also belongs to the emperor does not detract from the theory that Salome’s orchard was on public land, but simply points again to the

lists as abutters another imperial orchard and two private estates (ll. 30–2), demonstrating that public and private lots were interspersed. Arguably signifying that public land was alienable in this context, as it was in Egypt and North Africa, this deed of gift may not have been the entirety of Salome's estate. Presuming that Salome was still married to Sammouos at this point, the couple probably managed their diverse land parcels together and, like Babatha, they were stable beyond subsistence.⁹⁵ The tangible difference between managing public and private plots involved the types of taxes paid. As we will see in the [following chapter](#), a much lower land tribute was required from private land than from public land. For public land the tenant paid the tribute like a rent, whereas on private land the landowner usually paid the tribute and then collected rents from tenants.

Additionally, several documents from the early second century CE show that Shim'on son of Kosiba (a.k.a. Bar Kokhba) owned a vast private estate in Judaea, which he divided into tenant plots. *P.Mur.* 24 (133 CE), for instance, consists of a series of at least eleven subleases arranged by Hillel son of Garis on fragmented land in 'Ir Nahash (part of the region misleadingly known as the King's Mountain Country) that Hillel himself had leased from Shim'on.⁹⁶ Michael Wise has shown that Hillel acted as a middleman between the actual landowner and the subtenants, as was common in other provinces.⁹⁷ The subtenants leased plots ranging from six to eleven hectares – sizes that could generate some surplus beyond subsistence for a family – and paid a fixed rent in kind. Unfortunately, it is impossible to know whether these subtenants leased additional plots, but at least some probably did.⁹⁸

prevalence of fragmentation. Moreover, public land in Egypt was often treated as *de facto* alienable so this feature alone does not require the property to be private (Rowlandson 1996, 87). See further Cotton's excursus in Cotton and Yardeni 1997, 221–3. Additionally, *P.Jud.Des.Misc.* 18 (*P.Jericho* 18), a Greek fiscal acknowledgment of unknown date and provenance, mentions an official who seems to be connected with imperial money and perhaps even the administration of imperial estates.

⁹⁵ Sammouos was still alive in 127 CE (*P.Hev./Se.* 62) and presumably married to Salome at this time, but Salome was remarried in 131 CE (*P.Hev./Se.* 65). Sometime in between, either Sammouos died or the couple divorced.

⁹⁶ Cf. *P.Yad.* 42, 44–6 (132–5 CE).

⁹⁷ Wise 2015, 120. See also Kloppenborg 2008a, 38. On this situation in North Africa and Egypt, see Kehoe 1988b, 117–53; 1992, 20–9, 128–9; Rathbone 1991, 58–87.

⁹⁸ Because tenants would often lease several plots of land, Wise (2015, 120–1) is too quick to conclude on the basis of this document that these subtenants were “peasants” eking out their subsistence. Moreover, 6.0 to 11.4 hectares is somewhat higher than the 2.5 hectares leased by colonists in Campania and the poorer tenants in Egypt. As Erdkamp (2005, 22) points out based on evidence from around the empire, Ben-David's (1974, 44) estimate of 7 hectares as the average amount of land required for a family's subsistence in Palestine should be considered too high, which is to be expected for an estimate based on

Fragmented estates of widely varying sizes comprising private and public land, then, characterized the land distribution in the Early Roman period.⁹⁹ That the shifting institutional framework of tenancy would have had little impact on the tenant or laborer is evident from the archaeological remains of tenant plots in western Samaria, which were surveyed in the 1980s by a team led by Shimon Dar.¹⁰⁰ Many of these agricultural plots were established in the Ptolemaic period and continued in use through the Early Roman period without significant changes, although some seem to have been established in the Persian period.¹⁰¹ Remarkably, these plots were very carefully organized, most likely because Achaemenid and Ptolemaic administrators in Samaria arranged them as tenant plots on royal land, although by the end of the Second Temple era they would have been public land. Qarawat bene Hassan, for instance, consisted of at least 800 hectares separated into 175–200 tenant plots, ranging in size from about four to five hectares, many of which were marked off by stones or stone walls and contained field towers.¹⁰²

The organization of these individual plots is supported by the tenancy arrangement cited in the Markan Parable of the Tenants (Mark 12:1; cf. Matt 21:33). According to this parable, which alludes to Isa 5:1–7 LXX, “A man planted a vineyard. He put a wall around it, dug a pit for the winepress

the somewhat idealistic rabbinic sources. If these subtenants only leased these plots, they should have at least fulfilled, but may have exceeded, their family’s subsistence needs (cf. Satlow 2014b, 329). Moreover, they may have leased additional plots as well. Nevertheless, it is tenuous to claim with any certainty what the minimum size of a plot would have been for family subsistence, for such a calculation must take into account a number of unknown factors – how many people were in a family and their ages and genders, whether animals were used, how fertile the land was, how often the crops failed, whether polycropping was practiced, etc. See further Garnsey 1988, 46; Garnsey and Saller 2015, 106.

⁹⁹ It is possible that some private landowners in Palestine were even forced to take out “compulsory leases” on public land, usually if it was near their private estates (the institution known as ἐπιβολή). Though we have no direct evidence of this, it was prevalent in the Egyptian Faiyum and seems to have been practiced more broadly throughout the province, largely as a result of the higher tribute rates on public land making it difficult to attract tenants (Wallace 1938, 20–1; Parássoglou 1978, 59–60; Kehoe 1992, 37; Rowlandson 1996, 88–92).

¹⁰⁰ Dar 1986. For discussion, see further Fiensy 1991, 31–43; Kloppenborg 2006, 284; 2008a, 42–4. Z. Safrai (1994, 357, 360) has concluded from his survey work at sites in the Galilee that an average plot there ranged from 0.6 to 1.1 hectares, but he rightly notes that each tenant may have leased (or owned) more than one plot. Furthermore, a survey of the Upper Galilee uncovered an area of about 40 square meters containing boundary walls of farmsteads that were apparently centrally planned during the Middle Roman period, perhaps as part of the *colonia* at Ptolemais (Frankel et al. 2001, 113–14).

¹⁰¹ Dar 1986, I: 120 *et passim*.

¹⁰² Dar 1986, I: 230–48 (see also II: fig. 130 for a map of the plots).

and built a tower. Then he rented the vineyard to some tenant farmers and moved to another place.”¹⁰³ The description in this parable is entirely consistent with the archaeological and documentary evidence of Egyptian viticultural estates, which included an array of buildings that other agricultural properties did not, such as towers. “Field towers” were a common feature of Hellenistic and Early Roman farmsteads in western Samaria. These towers were multi-functional and amenable to the needs of a particular farm, providing a space for wine fermentation and tool storage, but also in some cases serving as watchtowers within which tenants and laborers could lodge while protecting tools and crops from theft during the harvest.¹⁰⁴ Instead of being both agricultural centers and the residences of landowners, royal estates in Hellenistic times were parceled out to tenants and managed by at least one estate manager. After the gradual dissolution of royal land in the Early Roman period, these plots continued to be used,

¹⁰³ The parallels in Luke 20:9–19 and Gos. Thom. 65–6 do not mention the physical structure of the vineyard like Mark and Matthew, but see Luke 14:28 on building a tower. Freyne (1980, 156–70) and C. Evans (1996) are right to recognize that the γεωργοί here should not be deemed poor peasants, since the term could refer to farmers of varying socioeconomic locations. Because these farmers are portrayed as leasing the vineyard from the landowner, I use the translation “tenant farmers” here. As noted, however, tenants were not always struggling to meet subsistence. The suggestion of C. Evans (1996) that these tenants may have been considered avariciously entrepreneurial, thereby supporting the Markan parable’s interpretation in which the tenants are Jerusalem’s Judaeen elites (high priests, scribes, and elders), is attractive (see Mark 11:27; 12:12), though only for the context of Mark’s production. As part of his argument that Gos. Thom. preserves the more original form of this parable, Kloppenborg (2006, 149–72) has argued at length that Mark’s parable, and its description of the vineyard, in particular, draws on Isa 5:1–7 LXX (against the MT). For our purposes, the physical structure of the vineyard must have been as realistic to the translator of LXX Isaiah (presumably in Hellenistic Egypt, or perhaps Palestine) as it was to the Markan author and audience, which is not surprising considering the evidence of vineyards from across the empire.

¹⁰⁴ Dar (1986, I: 88–125) has argued that the field towers are not big enough to have been used for sleeping quarters during the harvest and were instead used for wine fermentation (cf. Fiensy 1991, 34). As Dar has noted, however, the towers range rather widely in shape and dimensions and thus we should not exclude that laborers slept in them (cf. Kloppenborg 2006, 296). A strong case has recently been made that the Classical and Hellenistic field towers in Greece, though generally larger than those in Palestine, were (sometimes) used as quarters for slaves, who may even have been locked inside (S. Morris and Papadopoulos 2005). That towers are often associated with vineyards (cf. Rowlandson 1996, 228 on Egypt) may point towards fermentation, but it also recalls that viticulture typically involved short-term laborers (or tenants) and a heightened concern for crop protection. Thus, it is best to view the towers as multifunctional, perhaps serving as quarters for laborers and their tools during the harvest and a space for fermentation afterwards. Note also that 1 Macc 5:65 recognizes field towers as a type of settlement in the environs of Hebron.

probably as public land.¹⁰⁵ Tenant farmers may have leased or co-leased more than one of these plots, while also in some cases gaining additional income from private land or as tenants or day laborers hired by other tenants or landowners.¹⁰⁶

Although some small private farms coexisted with larger estates farmed by tenants, tenancy and more temporary forms of wage labor were the primary modes of agricultural labor in Palestine, as was the case generally in the Roman East.¹⁰⁷ Kloppenborg has shown, through careful examination of papyri from Naḥal Ḥever and Wadi Murabba'at, along with the extensive data in Mishnah Baba Meš'ia, that the two main private tenancy contracts known from elsewhere in the empire were also the norm in Palestine: on the one hand, the *ḥakirut*, which required the lessee to deliver a fixed amount of the crop yield (or equivalent amount of money) at harvest time; on the other hand, the *'arisut*, or sharecropping arrangement, by which the lessee paid a fixed percentage (rather than a fixed portion) of the remainder of the crop yield after the land tribute and certain additional costs are deducted (traction, fees, labor, seed), usually amounting to a third or a half.¹⁰⁸ For the tenant, the *ḥakirut* was the more perilous arrangement because they had to pay regardless of whether the harvest was successful. The *'arisut* was a much safer rent contract for tenants.¹⁰⁹

¹⁰⁵ Dar (1986, I: 122) contends that these plots probably went out of use after the Second Revolt.

¹⁰⁶ See also Kehoe 2012, 120.

¹⁰⁷ Alcock 2007, 678. It is difficult to ascertain how much of a role slavery played in agriculture on Palestine's estates. Slaves were not used to the exclusion of tenants and laborers, though wealthier landowners undoubtedly owned some slaves. See further, Hezser 2005, 302–3.

¹⁰⁸ Kloppenborg 2006, 292–4; 2008a, esp. 34–46. Cf. Safrai 1994, 335–7; Lapin 1995; Sartre 2005, 217. Kloppenborg also lists the שכירות from the rabbinic sources, which requires a fixed rate in cash. I have not included it here because (as Kloppenborg notes) it was typical of house and draft animal leases rather than land leases. Perhaps the situation was different in the Early Roman period, but we have no evidence of this. Kloppenborg (2008a, 36–9) rightly lists *P.Yad.* 42, 44–6 and *P.Mur.* 24 (132–5 CE) as the earliest evidence of *ḥakirut* contracts in Palestine. For the *'arisut*, he only discusses the Parable of the Tenants in Mark 12:1–9 and Gos. Thom. 65–6, which he considers the earliest evidence for this arrangement. While it would make sense if the arrangement imagined here was sharecropping, especially considering that it is a vineyard, the language here does not exclude the possibility of other arrangements. Furthermore, *P.Yad.* 6 (119 CE), a tenancy contract in Nabataean, should also be considered an *'arisut* contract. Though fragmentary, it uses the participle נִזְאָרִים to refer to the work of the tenant and seems to articulate the tenant's “share” (חֶלֶק) of the yield. See Yadin *et al.* 2002, 257, 265. On the arrangements in m. B. Meš., see Lapin 1995, 119–235.

¹⁰⁹ For a recent study on sharecropping arrangements in Corinth, drawing on sources from Ottoman Greece, see G. Sanders 2014.

Although conventional, these types of contracts were not static; they could vary significantly. For instance, *P.Yad.* 21–2 (130 CE), much like Egyptian crop sale contracts (*karpōneia*), records Babatha selling a crop of dates from her orchard in exchange for the lessor's labor in harvesting them and his payment to Babatha of a fixed rent in dates or cash. This contract (preserved in two copies, one for the buyer and one for the seller) mixes elements of both the fixed rent and sharecropping types of contracts as well as sale conventions.¹¹⁰ It was normally the landowner's prerogative to determine which type of lease to use, but Dennis Kehoe has pointed out that tenants sometimes had more bargaining power than we might expect.¹¹¹

According to Kehoe, who has analyzed tenancy in Egyptian documents, North African inscriptions, and Latin literature and legal material, private tenancy was not simply a system of exploitation. Instead, he shows that the landlord–tenant relationship was defined by risk-management: both parties had an interest in entering into tenancy contracts in order to distribute between them the resources, responsibilities, and risks involved in agricultural production.¹¹² In other words, both parties sought to lower their own transaction costs by entering into legal contracts with one another. These contracts varied according to local and situational contexts. In some cases, landowners (or their administrative representatives) agreed to terms negotiated by tenants regarding provisions of seed, tools, and wage-labor, or agreed to suffer losses in one way or another in order to stabilize their tenants.

Roman law even took the interests of the tenant into account, not for justice's sake, but because Roman jurists tended to consider the classical farm lease to be in the best interests of the landowner.¹¹³ In Kehoe's words,

¹¹⁰ See Radzyner 2005; Oudshoorn 2007, 168–81. Overlooking *P.Yad.* 21–2 as well as *P.Yad.* 6 (see n. 108 in this chapter), Kloppenborg (2008a, 38 n. 26) too quickly concludes that “we have no tenancy contracts from the Babatha archive.” Compare *P.Jud.Des.Misc.* 7 (*P. Jericho* 7), an Aramaic document from 84 CE, which also records the sale of a date crop. The remains of this document contain less lease-type language than *P.Yad.* 21–2, which may indicate that it should be understood strictly as a sale. In any case, it bears important similarities with the labor arrangement in *P.Yad.* 21–2. On *καρπωνεῖα* arrangements in Egypt, see Kehoe 1992, 84–6. Lapin (1997, 143 n. 46) has suggested that the תגרין in m. B. Bat. 6:6 appear to be engaged in a sort of *καρπωνεῖα* arrangement.

¹¹¹ Kehoe 1995; 1997.

¹¹² Kehoe 1988a; 1988b; 1992; 1995; 1997; 2012. This point is also made by Silver (2009) in his critique of Kloppenborg 2008a. For a micro-economic study of agricultural contract law in the Mishnah as characterized by risk sharing, see Viswanath 2000.

¹¹³ E.g., *Dig.* 19.2.19.2 (Ulpian). See further, Frier 1979; Kehoe 1997, 137–80; Erdkamp 2005, 24–5.

In the classical Roman farm lease, the tenant paid a fixed rent in cash [or kind], and generally leased the farm on a short-term basis, for five years. The landowner was expected to provide all fixed assets, not just the farmland, but any storage buildings, and other heavy equipment attached to the farm, such as wine presses or olive presses, or large storage jars fixed in the ground. The tenant, for his part, provided movable property, including tools, slaves, and livestock. The property that the tenant brought onto the farm, the *invecta aut illata*, was pledged as security for the rent and the condition of the farm.¹¹⁴

These terms set the legal calibration for enforcing property and contract labor law, but landlords and tenants could develop alternative arrangements that better suited their interests at a given time, such as *ḥakirut* or *ʿarisut* contracts in Palestine. Although we know almost nothing about the legal regulation of tenancy contracts in Early Roman Palestine,¹¹⁵ the Roman penchant for regulation, if anything, would have improved the situation of tenants relative to tenancy in the Hellenistic era.

On one level, then, tenancy relations were rooted in a dyadic business relationship between unequals. Landlords and tenants could negotiate not only the type of lease, but also the different contributions expected of each partner, including resources such as seed, labor, draft animals, farming tools and equipment, and labor, as well as whether to diversify crops to increase profit.¹¹⁶ Irrigation rights were of particular importance in the Levant and had to be negotiated in contracts for the sale or lease of land, as is evident from both Judaeen desert documents and rabbinic literature.¹¹⁷ Just as landlords would accumulate large estates comprising small plots of land gained through purchase, inheritance, marriage, gift, or foreclosure on antichretic contracts, tenants could also maximize their economic potential by leasing more than one plot of land and in certain cases supplementing this income with wage labor of various sorts. It was not uncommon for landowners to lease some properties, or for tenants to own some land. Tenancy,

¹¹⁴ Kehoe 2012, 116. See also Frier 1979; De Neeve 1990; Scheidel 1992; Garnsey and Saller 2015, 97–9.

¹¹⁵ On the combination of local and Roman law in the Babatha and Salome Komaise archives, however, see Katzoff and Schaps 2005; Oudshoorn 2007; Czajkowski 2017. On legal officials in Judaea and Arabia, especially in the late first to early second century CE, see Cotton and Eck 2005b.

¹¹⁶ For example, *P.Soterichos* 9 (66–7 CE) records a tenant who has contracted to diversify crops in a particular way that would increase his income, and *P.Kron.* 34 (134 CE) shows a tenant supplying draft animals, seed, and tools (Kehoe 1992, 141–58). See also Rowlandson 1996, 213–28.

¹¹⁷ *P.Yad.* 2, 3, 7, 42; *P.Ḥev./Se.* 64; m. B. Meṣ. 9:1–2; t. B. Meṣ. 9:3–4; b. B. Bat. 12b. Yadin *et al.* 2002, 6–7.

as such, involved a dynamic relationship in which both partners contributed resources and accepted risks.

Differentials of power and wealth were essential, however, to this patron–client relationship in most cases.¹¹⁸ Jane Rowlandson has emphasized that, with the exception of certain sharecropping agreements, the relationship between landlord and tenant should be deemed inherently unequal. “Socially,” she argues, “metropolitan landlords could not lose from the relationship with their tenants.” Moreover, “If the tenant were unlucky, inability to escape from debt might lead to his being deprived of any independent means of livelihood.”¹¹⁹ In her work on tenancy in Egypt’s Oxyrhynchite nome, Rowlandson has identified the exploitative nature of tenancy as the primary determinant of the social separation of the “urban, Hellenized upper class” from the rest of the rural population. Although there may have been risks for both parties, those for the more powerful economic partners – usually the landlords – tended to be far less than those of tenants and wage laborers.

Balancing the Debt Spiral

Central to the debate over the relationship between private landowners and tenants is the matter of debt. According to Rowlandson, the most impressive evidence that tenancy was a generator of inequality in Egypt is the numerous documents showing that, either apart from or in tandem with their leases, many (or most) tenants had to take out loans from their landlords or other creditors and often found themselves burdened by substantial debt and at risk of losing their property and being imprisoned or enslaved.

In New Testament studies, the theory that tenants habitually fell head-first into a “debt spiral” that they did not have the resources to escape is central to many depictions of Jesus and his followers as oppressed peasants bent on resistance against the exploitation of the Roman imperial system. Gerd Theissen famously cast debt as the leading cause of the rootlessness of individuals in Jesus’s Palestine – a connection that Douglas Oakman has developed in several publications by claiming that pervasive indebtedness accelerated the growth of a “landless class” of peasants.¹²⁰ To this model,

¹¹⁸ On landowner–tenant relations as characterized by patronage in Early Roman Palestine, see S. Schwartz 1994.

¹¹⁹ Rowlandson 1996, 275.

¹²⁰ Theissen 1978, 42; Oakman 2014, 33: “The overall result of escalating debt, whether its nature was private or fiscal, was the growth of tenancy and the landless class.” See also

Horsley has added the element of resistance, contending that rootlessness caused by debts led to social unrest, banditry, and the rise of popular resistance movements, some of which were apocalyptic.¹²¹ Such scholarship has illuminated debt as a major factor of inequality in Palestine but has exaggerated the negative impact of loan practices and tenuously attributed a debt crisis to the first century CE.

While there can be little doubt that the earliest materials from the Jesus movement address the negative socioeconomic impact of debt, with the Lord's Prayer famously petitioning God to "cancel our debts for us" (Q 11:2–4), this is hardly proof of the *sudden ubiquity* of debts in Jesus's time.¹²² As Gildas Hamel maintained, debt was a reality of the longstanding institutions of land tenure in Palestine and throughout the Mediterranean, and we have no reason to imagine some particular prevalence of debt in the time of Jesus.¹²³ As we have seen, debts were particularly pervasive in Persian Yehud and Samaria, as is known from literary and documentary sources.

The data most often cited as evidence for a surge in indebtedness in the first century CE are Josephus's references to the burning of archives during the First Revolt. But Josephus's account that rebels burned the archives in Jerusalem during the First Revolt in order to persuade debtors to join their cause without fear of repercussions from their creditors (*B.J.* 2:427) was an attempt to advance the insurrection and does not necessarily entail a recent surge in indebtedness.¹²⁴ The burning of Sepphoris, also reportedly directed against elites (*Vit.* 376), apparently had nothing to do with debt despite the fact that Sepphoris did contain public archives.¹²⁵ Nevertheless, the specific burning of debt receipts suggests that discontent with debts (and the unequal distribution of wealth) motivated some of the rebels, as Goodman has argued.¹²⁶

A few points should be stressed. First, the Jerusalem burning of debt records only pertains to the immediate context of the war. Second, burning

Oakman 1986, 72–6, 149–55; 2008, 11–39; K. Hanson and Oakman 2008, 111; Kloppenborg 2000b, 241, 254–5; 2008a, 60; 2008b, 88–92; Pastor 1997, 147–9.

¹²¹ Horsley and Hanson 1985, 58–63; Horsley 1989, 88–90; 1993, 246; 2014, 37–8. For a more historically rigorous portrait of the connection between economic pressures (debt and regressive taxation) and banditry, see Kloppenborg 2009.

¹²² Anderson (2009) has elegantly explained that debt became the primary metaphor for sin in the Second Temple period.

¹²³ Hamel 1990, 156–8. Cf. Fiensy 2014, 59.

¹²⁴ Goodman 1982. Cf. Josephus, *B.J.* 7:60–1 on the burning of debt records in Antioch.

¹²⁵ Fiensy 2014, 66. Similarly, Josephus (*Vit.* 66–7) does not mention debt or archives as an object of the burning of the palace in Tiberias but states instead that it was motivated by looting.

¹²⁶ Goodman 1982.

public archives was a largely symbolic act, since creditors had their own copies of the loan agreements, which also had legal standing.¹²⁷ Third, rebel leaders objectifying debt and inequality as problems could fuel a revolt at any time that inequality and indebtedness abounded, and thus a protest against debt cannot alone serve as proof of increased indebtedness. Instead of belaboring the idea of an increase in debt, we should observe that debt was one of the foremost symptoms of inequality throughout the Early Roman period, as in the Persian and Hellenistic eras.

Loans presented a disproportionate risk for tenants and other borrowers because they typically involved putting up one's entire property, or the property of a guarantor, as security for the loan. Moreover, these loans often accrued interest despite the Torah's injunctions against collecting usurious interest from other Israelites (Lev 25:35–7; Deut 23:19–20).¹²⁸ If environmental factors such as drought threatened a good harvest, debts could multiply, leading creditors to seek the confiscation of property, imprisonment, or debt bondage. Promissory notes that survive among the documents from the Judean desert indicate that the borrower proffered all of their private property as security for defaulting on a loan. The formulaic guarantee clause in *P.Mur.* 18 (55/56 CE), “the payment from my property and from whatever I shall buy according to that,” demonstrates that not only present property, but also anything that the borrower might acquire in the future, could be seized by the lender if the loan was not repaid.¹²⁹ *P.Mur.* 18 further indicates that interest was collected in the amount of 20 percent (other documents claim 12 percent) if the principal was not repaid by a certain date (l. 6).¹³⁰ If a debt was not repaid during the borrower's lifetime, their family would inherit the debt and its interest. Thus, *P.Yad.* 5 (110 CE) addresses a situation in which Babatha's first husband Iosepos, after his father's death, inherited a debt that his father died before repaying his mother – namely, a

¹²⁷ Goodman 1982, 418.

¹²⁸ S. Adams 2014, 104–14.

¹²⁹ *P.Mur.* 18, ll. 7–8: לקובליך ודי מנכסי ודי אקנה לקובליך (Yardeni's translation from Cotton and Yardeni 1997, 290). The clause also appears in Aramaic in 4Q344 (a late first to early second-century CE promissory note wrongly attributed to Qumran cave 4), l. 5, and in Hebrew in *P.Yad.* 45 (134 CE), ll. 29–30. Cf. *P.Hev./Se.* 49 (133 CE), ll. 10–11; *P.Mur.* 32 (late first century CE?), l. 4.

¹³⁰ Goodman (1991, 174) makes the interesting point that *P.Mur.* 18 may technically circumvent rather than transgress the Torah's law on usury by only stipulating that interest will be charged if the principal is not repaid by a given date. Cf. *P.Yad.* 11 (124 CE), wherein 12% annual interest is charged on a personal loan, and *P.Yad.* 15 (125 CE), wherein Babatha accuses her son's guardians of investing her son's assets in loans that accrued 12% annual interest for them. See further Broshi 1992, 239–40.

dowry.¹³¹ Although this was a dowry rather than a loan debt, the latter were inherited in a similar fashion.¹³² For borrowers struggling to meet subsistence needs, loan repayment could present an insurmountable obstacle.

There were, however, certain mechanisms that sometimes protected borrowers from the debt spiral. The shared, if unequal, risk of tenants and landlords, for instance, behooved landlords (and their estate managers) to voluntarily alleviate the debts of tenants whenever possible in order to assure a profitable harvest, particularly in situations in which there was a shortage of tenants willing to work a plot. Kehoe has demonstrated that landowners in Egypt sometimes renegotiated rent downwards and excused some debt for their tenants in arrears, as was the case with Tamystha and her tenant Soterichos in Theadelphia in the Faiyum in the late first century CE.¹³³ Pliny the Younger similarly offered remissions of rent to his tenants and introduced sharecropping in order to protect them from losses during droughts. In doing so, however, he protected his own investment in them, sought to guarantee their loyalty to him as their patron, and avoided the information and security costs involved in hiring new tenants.¹³⁴ As he explains his choice to partially refund laborers who purchased part of his crop in advance of a poor harvest, “This seemed a suitable way both of expressing my gratitude to each individual according to his past merits and of encouraging them all not only to buy from me in the future but also to pay their debts.”¹³⁵

Kehoe has shown that remission of rent (*remissio mercedis*) was one of the most widespread, legally regulated institutions for protecting the rights of tenants and endowing them with some bargaining power.¹³⁶ The sixth-century CE *Digest* preserves the legal discussions of jurists from the second and third centuries pertaining to circumstances under which tenants, including those in the provinces, should receive a remission of rent – namely, in the event of an unpredictable disaster (*vis maior*) that obviated the successful fulfillment of the terms of a lease.¹³⁷ These legal discussions

¹³¹ Oudshoorn 2007, 122. *P.Yad.* 10 (ca. 122–5 CE) and *P.Yad.* 21–2 (130 CE) show Babatha in a similar position as her first husband’s mother, since her second husband died before paying her the dowry she was due.

¹³² See, e.g., Kehoe 1992, 145 on the collection of the tenant Soterichos’s debts from his heirs in late first-century CE Egypt (esp. *P.Soterichos* 24).

¹³³ Kehoe 1992, 141–8; 1997, 223–4. For another example from Egypt, see *P.Oxy.* 2351 (112 CE) with Goodrich 2012, 60.

¹³⁴ Kehoe 1988a; 2012, 117; De Neeve 1990; Goodrich 2012, 555–9.

¹³⁵ Pliny the Younger, *Ep.* 8.2.7. Translation by Henderson (LCL).

¹³⁶ Kehoe 1995; 1997, 141, 203–8. See further de Neeve 1983; Scheidel 1992; Frier 1989.

¹³⁷ E.g., *Dig.* 19.2.25.6 (Gaius); 19.2.15.1–3, 32 (Ulpian). For discussion, see Kehoe 1997, 142, 203, 226–34. Cf. Columella, *Rust.* 1.7.1.

provide an index for understanding some of the limited ways in which provincial authorities could have protected tenants (including those in arrears), and they find support in diverse literary and documentary sources from throughout the imperial period.¹³⁸ For instance, a tenancy contract in Nabataean from 119 CE (*P.Yad.* 6) limits the extent of the tenant's liability to damages caused by his own actions or neglect rather than natural causes (ll. 12–14).¹³⁹

John Goodrich has made the attractive argument that even the Parable of the Unjust Steward in Luke 16:1–13 is best understood in light of the mutual benefits of rent remission for landlord and tenant.¹⁴⁰ The landowner's estate manager (*oikonomos*) deserves the description “unjust” (16:8) because he squandered his master's property (16:1). Once he partially remitted the rents of the tenants he supervised, however, both the landowner and Jesus found him praiseworthy.

Other factors may have been less effective in mitigating the negative impact of debts on borrowers. Deuteronomy 15:1–11, for instance, calls for a year of remission (*shemittah*) of debts every seventh year. This entailed at least the suspension of debts, but may also have been understood as a cancellation of debts as in rabbinic interpretation (m. Šeb. 10:3–7).¹⁴¹ It is impossible to gauge how many Judaeans actually released debts during sabbatical years, but at least some did. Bar Kosiba did not collect rents from his tenants during the sabbatical year, calling it the year of “remission” (*hashemittah* in *P.Mur.* 24).¹⁴² Since his restoration program followed the Torah on not collecting rents and leaving the land fallow during the sabbatical year, Bar Kosiba may also have not sought debt repayment during this year.

Suspending or cancelling debts during the sabbatical year, however, was not the norm among Judaeans creditors. Josephus makes no mention of the practice in the section of his “rewritten Scriptures” on the custom of leaving the land fallow in the sabbatical year and remitting debts during the jubilee (fiftieth) year (*A.J.* 3:281–2).¹⁴³ Moreover, our earliest documentary debt acknowledgment from Judaea, *P.Mur.* 18 (55/56 CE), specifies that the

¹³⁸ Kehoe 1997.

¹³⁹ Cf. m. B. Meš. 9:1–10. See Oudshoorn 2007, 106; Yadin et al. 2002, 206.

¹⁴⁰ Goodrich 2012.

¹⁴¹ Cf. Deut 31:10. On the ambiguity as to whether the Torah calls for suspension or cancellation, which would have been far less practical, see C. Wright 1992, 858–9.

¹⁴² *P.Mur.* 24 B, l. 14; C, l. 12; D, l. 14; E, l. 9. See Murphy 2002, 372.

¹⁴³ Similarly, Caesar's decree exempts Judaeans from paying tribute during sabbatical years, because they do not sow their land in this year, but no mention is made of debt release (Josephus, *A.J.* 14:202).

debt must be repaid “even if it is the year of remission.”¹⁴⁴ The fact that this condition even needed to be stated, however, indicates that there were at least some creditors who, in accordance with the Torah, did not demand debt settlement in the seventh year.

If debt suspension or annulment were regularly practiced every seventh year, it is likely that lenders would be reticent to provide loans as the sabbatical year approached. According to tannaitic sources, around the turn of the eras, Hillel the Elder came up with a legal fiction precisely to circumvent this problem, the *prosbul*, by which loans were “delivered to court” in the seventh year so that they would not be liable to cancellation.¹⁴⁵ Whether the *prosbul* was originally intended to help borrowers secure loans they needed or to protect creditors from having to release debts (Goodman makes a strong case for the latter), it would have accomplished both.¹⁴⁶

Oakman considers Hillel’s *prosbul* among the strongest evidence for widespread indebtedness in Jesus’s Palestine, but it cannot be proven that this legal institution was actually employed in the first century CE. On the one hand, its earliest attestation is in third-century CE rabbinic literature. *P.Mur.* 18, which expects repayment even in a sabbatical year, supplies no clues of any sort of circumvention mechanism; it simply disregards the sabbatical year suspension.¹⁴⁷ That is not to say that there was a dearth of strategies for getting around the sabbatical year, but only that we should not assume a concrete institution of this sort. On the other hand, even the rabbis debated whether the *prosbul* was legally acceptable, with some rejecting it as an affront to the Torah.¹⁴⁸ In sum, it is conceivable that a sabbatical suspension or abatement of debts was practiced by some Judaeans; yet, most found ways around the Torah on this issue in order to compete with non-Judaean creditors, often through outright rejection of the law, but perhaps in certain cases by stipulating some sort of legal loophole.

One epigraphic source from Egypt with relevance to Palestine confirms the problem of debts while also evincing an attempt by the provincial

¹⁴⁴ *P.Mur.* 18, l. 7: רשנת שמיטה דה. Murphy 2002, 372.

¹⁴⁵ M. Šeb. 10:3–7; m. Giṭ. 4:3. Cf. b. Giṭ. 34b–37b. See Goodman 1982, 422–3; Safrai 1994, 297; Fiensy 2014, 62; Oakman 2014, 72–7 (among others). The etymological and conceptual connection to προσβολή as the “knocking down” of mortgaged property in Egyptian papyri proposed by Blau (1927) and Oakman (2014, 73) is a tenuous attempt at portraying the *prosbul* as a longstanding practice influenced by Hellenistic customs. Jastrow’s (2005, 1218) claim that it is an abbreviation for πρὸς βουλῇ (βουλευτῶν), “before the council (of counselors)” makes much more sense of the forensic aspect of the *prosbul* in the rabbinic texts. See further Stein 2014, 18.

¹⁴⁶ Goodman 1982, 422–3.

¹⁴⁷ Contra Oakman 2014, 73; Fiensy 2014, 62.

¹⁴⁸ B. Giṭ. 36b.

administration to resolve abuses of the institutions of tenancy: the edict of Tiberius Julius Alexander. This fascinating edict, preserved on a papyrus as well as two marble inscriptions from the Outer Gateway of the Temple of Hibis in Upper Egypt's Kharga Oasis, was promulgated on July 6, 68 CE by the Egyptian prefect and nephew of Philo of Alexandria, Tiberius Julius Alexander.¹⁴⁹ Directed towards the Alexandrian elites in particular, but public officials throughout the nomes as well, Alexander issued this decree less than a month after the death of Nero as a "*captatio benevolentiae* to win the goodwill of Alexandria and Egypt for Galba and for himself."¹⁵⁰ While allowances should be made for rhetorical flourish, this rescript establishes that a particular set of economic abuses plagued Egypt in the 60s CE – abuses that Alexander pledged to overcome upon Galba's rise to power, such as predatory tax-farming, compulsory leases on imperial land, and debt imprisonment.¹⁵¹

On the issue of officials purchasing private debts and abusing their position in their enforcement, Alexander's edict makes the following declaration:

Whereas some (officials) have had the debts of others transferred to them under cover of the *fiscus* and have imprisoned in the public prison or held these debtors in other restraint, I have determined that this practice shall be abolished for this very reason, that debts shall be exacted from the property but not from the person of the debtor, and in accordance with the will of the divine Augustus I command that no one under cover of the *fiscus* shall have debts transferred to himself which he did not contract originally, nor shall he in any way hold any free man in any confinement whatsoever unless he is a criminal, nor shall anyone except a debtor of the *fiscus* be confined in the state prison.¹⁵²

While the existence and extent of an economic crisis in Egypt under Nero are debatable, this edict would have had no impact whatsoever if the issues it addressed were not perceived by many as a problem. Having presided over Egypt as prefect since 66 CE, the administrative policy Alexander set forth here sought to correct institutional abuses he observed during his administrative career.¹⁵³

¹⁴⁹ For the papyrus: BGU VII 1563; CPJ 418 (partial). For the inscriptions: OGIS II 669; H. White and Oliver 1938, 23–44. The most extensive treatment of the text and its context remains Chalon 1964. On Alexander's career, see Burr 1955.

¹⁵⁰ Turner 1954, 60.

¹⁵¹ See further Chalon 1964, 110–22; Parássoglou 1978, 59–60.

¹⁵² Trans. A. Johnson 1959, 706 (no. 440), ll. 15–18.

¹⁵³ Reinmuth 1934, 256–9.

In this regard, it is noteworthy that Alexander had previously served as procurator of Judaea in 46–48 CE, precisely in the period in which the Claudian famine made non-elites in Palestine especially vulnerable to mounting debts. Josephus states, nonetheless, that his tenure in Judaea was marked by peace (*B.J.* 2:220); perhaps he achieved this tranquility by appeasing his subjects with a policy of limiting abuses of tenancy as he would two decades later in Egypt. In any case, his edict shows how tenancy relations were prone to abuses such as the unlawful cession of loans and debt imprisonment, as well as how the administration of a province might seek to reform such abuses.¹⁵⁴ That Alexander's policy was cited as legal precedent in later documents indicates that his reforms had some clout in Egypt.¹⁵⁵

Regardless of any individual or administrative efforts to mitigate debt accumulation, there were two factors that would always exacerbate conditions of indebtedness – environmental pressures, which could prevent tenants from repaying loans, and population growth, which could make tenants and wage laborers increasingly expendable. Both of these factors may have caused debts to become larger and more pervasive in the decade or two leading up to the First Revolt. The Claudian “famine,” which occurred in 46 or 47 CE, would have cast a number of tenants into a debt spiral in Palestine as in Egypt, with acts of benevolence like Helena of Adiabene's relief effort in Palestine helping only to assure survival.¹⁵⁶ Population growth towards the end of the Second Temple era, along with a possible surge in unemployment as public building projects in Jerusalem and Tiberias slowed, would have increased competition for work, rendering indebted tenants replaceable.¹⁵⁷ The compounding of private loan

¹⁵⁴ For evidence of debt imprisonment in Judaea, Kloppenborg (2008a, 92) rightly draws attention to *Q* (Sayings Source) 12:58–9 (Matt 5:25–6/Luke 12:58–9): “Be reconciled with your adversary while you go with him on the way, lest the adversary hand you over to the judge and the judge to the guard and the guard will throw you into prison. Amen I say to you, you will not leave there until you have paid back the last penny” (trans. Fleddermann 2005). Additionally, Josephus indicates that a number of robbers were put into prison under Albinus (*B.J.* 2:273), raising the question of whether the imprisonment was for debts or for theft. Both may have played a role (Goodman 1982, 424).

¹⁵⁵ Turner 1954, 61.

¹⁵⁶ Acts 11:27–30; Josephus, *A.J.* 20:49–53, 101; 3:320; t. *Pe'ah* 4:18; y. *Pe'ah* 1:1; b. *B. Bat.* 11a. See Gapp 1935; Jensen 2012, esp. 321–2. Garnsey (1988, 21) notes that “universal famine” is probably an exaggeration, though food crises between 45 and 47 CE did affect a wide area including Egypt, Syria, Judaea, and Greece.

¹⁵⁷ There can be little doubt that the population of Palestine was on the rise in the Early Roman period, in concert with urban development, as evidenced by archaeology and texts (e.g., Josephus, *B.J.* 3:43; *Vit.* 230). See Theissen 1978, 40; Goodman 1996, 768–9; Leibner 2009: 331; Z. Safrai 1994, 436–58.

conventions with these additional factors likely provoked some rebels in the period between the dissolution of Agrippa's kingdom in 44 CE and the war, but pervasive and inescapable indebtedness should not be retrojected onto the entire Early Roman period nor viewed in isolation as a catalyst for social unrest.¹⁵⁸

Debt, in sum, was both a cause and effect of the socioeconomic inequality that defined the typical relationship between landlords and contracted laborers. Loans allowed creditors to increase their wealth at little risk while often putting tenants into a position of risking everything they owned and facing imprisonment and slavery in order to survive. If tenancy were not an institution that favored landowners, tenants and laborers would never have needed loans in the first place. Nevertheless, while debt was a reality of the institutional structure of tenancy, not every tenant was poor and indebted. Landowners were in a position to relieve debt, whether by remitting rents, renegotiating leases, or observing the sabbatical year, and this was often in their best interest as well. Legal authorities, acting as representatives of the provincial governor, also had the ability to protect borrowers in certain instances. Thus, borrowers were not without some minimal rights and securities.

Additionally, because tenants did not need to seek loans from their landlords to the exclusion of other potential creditors, they experienced a degree of economic independence and were not tied to the land like feudal serfs.¹⁵⁹ Largely due to such independence, one family in Egypt, for instance, was able to repay their loans after eleven years of chronic debt.¹⁶⁰ Escaping the debt spiral, therefore, was possible, but required overcoming drastic disadvantages intrinsic to the institution of tenancy.

Conclusion

Land tenancy had a long, path-dependent legacy in Palestine dating back to the Iron Age. It was not imposed by the Ptolemies, Seleucids, and Romans. The legal categorization of the land – expressed in rents, tax rates, and the transmission of surpluses – was constantly changing through the centuries. Especially striking, however, is the gradual transition from Palestine

¹⁵⁸ As is evident in the chart in L. White 2004, 37–9 (cf. Horsley and Hanson 1985, 260–1), the majority of extremist leaders we know about from literary sources emerged after 44 CE.

¹⁵⁹ Contra Kloppenborg 2008a, 60: “Farm tenancies in all probability also produced a debt spiral that ultimately led to the degradation of originally ‘free’ tenants to something more akin to mediaeval serfdom.”

¹⁶⁰ Kehoe 1992, 155. See also Rowlandson 1996, 254.

containing a majority of royal land to a significant portion (or more likely, a majority) of private land. This shift, which largely transpired in the Early Roman period, implies changing institutions of property rights. On the one hand, Herod redistributed and created a considerable amount of gifted land by allotting it to local elites, including his high priestly loyalists – land that was not technically private but was treated as alienable through sale or inheritance. On the other hand, with the incremental dissolution of Herod's kingdom, the gifted land of elites became private land. Events such as the liquidation of Archelaus's property enabled landowners to aggregate larger estates, but these estates were more and more geographically fragmented, also as a consequence of their alienability.

Recasting the changing situation of land tenure in the Early Roman period in this way affects how we understand socioeconomic relations. Roman land tenancy did not suddenly create a “landless Jewish agricultural proletariat” or “peasant class” because tenancy was a longstanding institutional framework in Palestine through which tenants and other types of laborers working the land were denied much of the products of their labor. With the emergence of private estates, it was not only the state, but also local elites who benefited from a greater share of the resources of tenancy. Tenants, wage laborers, and slaves were no more exploited than they had been in earlier periods and they did not form a static, homogeneous class. Although many tenants and wage laborers would have lived near the subsistence level, those in arrears could easily fall below subsistence. At the same time, those fortunate enough to be successful could achieve stability and even accumulate moderate surplus resources. Tenants, wage laborers, and smallholders were also not static professional identities, for individuals often derived income from two or three of these arrangements at the same time.

The same diversity is true of landowners, whose estates varied in size, productivity, and management. Nevertheless, it is difficult to ignore that the majority of private landowners in the Early Roman period were local elites who typically resided in cities and often had some political power. The shifting institutional structure of tenancy did not create a new peasant class, but its changing institutions of private property did enable different sectors of the elite population to gain greater economic power through control over Palestine's most valuable resource, the land.

CHAPTER 3

Taxation

Render unto Caesar and the Local Elites

Attempting to decipher tax rates and their role in Jesus's world is something of a cottage industry in New Testament scholarship, with fault lines often betraying contemporary political proclivities. In recent decades, the assessments of Horsley, Hanson, and Oakman have been particularly influential, positing on the basis of very little evidence tax rates that do not stand up to scrutiny, blaming them on the exploitative imperial center, and viewing Jesus's ministry as a movement of protest against such forms of exploitation.¹ Like the Matthean Jesus, who asks in a discussion of the Temple tax, "From whom do the kings of the earth take toll or tribute? (Matt 17:25)," these scholars have been quick to abstract a complicated taxation structure into a criticism of empire, Herodian kings, and Roman emperors.

By focusing on empire and exploitation, scholars are prone to obscuring the subtle and complex workings of taxation structures in the generation of economic inequality. As in Jesus's query, what too often get glossed over are the differences between tributes to Rome and taxes and tithes to the Temple priests, the differences between direct and indirect forms of taxation, variations in direct taxes according to different categories of land, and the specific roles of local elites in taxation. Fortunately, Fabian Udoh's judicious reassessment of taxation in Early Roman Palestine, *To Caesar What Is Caesar's* (2005), has gone a long way towards correcting the scholarly bias of understanding taxation as excessively oppressive in Early Roman Palestine. It is not without shortcomings, however, for Udoh sometimes swings the pendulum too far in the opposite direction.

Building on, yet problematizing, Udoh's work, this chapter advances a sobering view of taxation as a multifaceted institution. Unlike tenancy, which primarily affected those involved in agricultural production, taxation

¹ Among others: Horsley and Hanson 1985, 52–63; K. Hanson and Oakman 2008, 105–8.

had a wider impact on all who resided in or visited Palestine. That is not to say that taxation had the same effects on individuals of divergent economic levels. Instead, most forms of taxation maintained regressive rates and allotted exemptions or discounts to the province's local elites that were not available to non-elites. Moreover, some of these same local elites had the distinct advantage of being responsible for the administration of certain taxes as well as market oversight. Therefore, taxation comprised multiple intersecting institutions that were disproportionately burdensome for those near and below subsistence level.

A theory of institutional change that distinguishes institutions and resources is helpful for explaining why much of the evidence signifies that tax rates in the Early Roman period were often no *more* oppressive than they had been under previous fiscal regimes despite some drastic changes in the allocation of revenue. Direct and indirect state taxes, tithes, and Temple dues burdened non-elite Judaeans much as they had for centuries, but under Herodian and direct Roman rule, provincial and municipal elites became repositioned within the institutional structure of taxation. Buttressed by the Roman penchant for having local elites represent Roman interests in the provinces and the Judaeian ideology that supporting the Temple and its priests is a divinely ordained obligation, priestly elites in particular gained considerable control over the exaction and allocation of revenue from several sources. Non-Judaean and non-priestly Judaeian elites garnered political and material resources through state taxation in the periods of direct Roman rule, too, but they did not also profit from tithes and Temple taxes like the priestly elites. As representatives of Rome, magistrates in Jerusalem, and leaders of the Temple, the priestly elites benefited from the institutions of taxation in new ways in the Early Roman period, widening the gap of inequality in Palestine without causing non-elites to become any more economically beleaguered than they had been for centuries.

In the Hellenistic kingdoms and Roman Empire there was an array of taxes that can be broadly separated into separate structures of direct and indirect taxation. The former included taxes that were more widespread, were carefully regulated by imperial officials and local elites, and whose revenues mostly ended up in the coffers of the king or emperor. The latter included a number of less systematic tolls, duties, and sales taxes exacted from residents and visitors for travel, commerce, and trade. Some indirect taxes were collected by tax-farmers on behalf of the king or emperor, but the majority of them were levied by administrative officials in cities and toparchy capitals.

This chapter traces the changing power of elites over the institutions of direct and indirect taxation. Because the institutions of tithing and the Temple tax primarily benefited only priestly elites and were less compulsory, they are treated separately in the [next chapter](#).

Elites and the Introduction of Roman Tributes

The institutional structure of direct taxation in the Hellenistic kingdoms and Roman provinces usually included taxes on land (often indistinguishable from “rents” if the land was royal/public) and taxes on persons, the latter of which are sometimes called head taxes, capitation taxes, or poll-taxes. Both types are more properly understood as tributes – the *tributum soli* (land tribute) and *tributum capitis* (head tribute) – since provincial subjects were required to pay them to a foreign ruler, at least theoretically. Direct taxes of various types had been paid in Judaea since the Iron Age, and even King David is critiqued in the Deuteronomic History (2 Sam 24) for taking a census of the people, presumably for tax purposes.² In the Seleucid period, which is better documented than the earlier eras, Judaeans subjects paid a land tribute (that is, rent on royal land) in the amount of 33 percent of the harvest and 50 percent of the orchards and at least three head taxes (crown tax, salt tax, and a category of additional head taxes).³

After the Hasmoneans freed Judaea and Samaria from the Seleucid tribute, there is no reason to expect that there was any widespread relaxation of taxes. Though our sources are mostly silent on Hasmonean taxation,

² McKenzie 2000, 144; Dever 2012, 238. On land taxes in kind and two-drachma head taxes under Persian and early Macedonian rule, see, among others Lemaire 2004, on the Aramaic ostraca from Makkedah in Idumaea (see, however, the cautionary study of Porten and Yardeni 2007). See also Grabbe 2004, 193–208. On Ptolemaic tax-farming in Palestine, see Bagnall 1976, 11–24; Grabbe 2008a, 218–24. For Ptolemaic taxation more generally, see von Reden 2007; Monson 2015, 180–7.

³ Aperghis 2011, 24–5; Honigman 2014, 297–404. Monson (2015, 189–90) has contributed an excellent discussion of Seleucid land tributes as virtually the same as rents on royal land (cf. von Reden 2007, 86–7 for a similar point with regard to Ptolemaic taxes and rents). 1 Macc 10:28–30; 11:34–5 (cf. Josephus, A.J. 13:49–51) states that the Seleucids charged Judaea and Samaria 33% of the harvest and 50% of the orchards as tribute. Jerusalem was expected to (also?) pay a “tithe” (δεκάτη), presumably 10% – a widespread Seleucid imposition, similar in nature to the tithes in Hellenistic and Early Roman Sicily (Cicero, *Verr.* 2.3.14, 36–7; Walthall 2013). This Seleucid tithe did not directly benefit the priests of the Jerusalem Temple like the Judaeans tithes, which are discussed in the [following chapter](#). The rates of the Seleucid head taxes in Judaea are not specified, but Aperghis (2004, 164–6) notes that the Seleucids collected at least one type of royal head tax in a village near Telmessos at the rate of 3 Attic drachmae per adult (*SEG* XIX 867). He posits that capitation taxes were also likely imposed on residents of cities.

it is likely that the Hasmonean dynasts exacted some head taxes, increased the Temple tax (see below), restored the scriptural “tithe” (*ma‘āser/dekatē*) as a replacement for the Seleucid “tithe” (*dekatē*), and continued the Seleucid proportional land “tribute” (*phoros/ekphoros*) as proportional harvest taxes or rents on royal land.⁴ Although there were no longer “tributes” to a foreign ruler that symbolized subjection, the total impact of taxation was similar, as well as a vital source of funding for the Hasmonean military campaigns. Direct taxes were perhaps even more repressive for subjects in the newly annexed territories, from which tributes were likely collected.⁵

When Pompey annexed Palestine to Syria in 63 BCE, then, he may have made much of the region tributary for the first time since Seleucid sovereignty, but he did not inflict some entirely new tax burden.⁶ Nevertheless, the period between Pompey’s conquest and the Augustan part of Herod’s reign, beginning in 30 BCE, witnessed the most irregular and repressive taxes of the Early Roman period – a trend throughout the provinces and client-kingdoms in this tumultuous period of transition from republic to empire.⁷ Governors and generals in Syria ordered the exaction of tributes by contracting tax-farmers (*publicani*) who padded the tribute rates to compensate their services and increase their own wealth.

Methods of provincial tax administration were the subject of a heated debate at Rome at this time, with Cicero railing against the Syrian proconsul Aulus Gabinius in the Senate in the summer of 56 BCE. His complaint was that Gabinius reformed the fiscal administration of his province so that taxation was now the purview of councils of local elites rather than tax-farmers.⁸ As Josephus (*A.J.* 14:91) describes Gabinius’s actions, “He

⁴ See also Schäfer 2003, 66–7. Schalit (1972, 267–8) assumes that at least after Jannaeus, tributes were exacted from non-Judaeans and the poll-tax from everyone. However, he concludes that the tribute was not collected from Judaeans, overlooking (like many) that rents on royal land would have continued much as they did under the Seleucids. They simply would have been rents on royal land transmitted to the Hasmonean state rather than tributes to a foreign ruler. Similarly, private lands no longer had to pay a tribute, but they were probably charged a proportional harvest tax set at a lower rate than rents on royal land. As discussed in Chapter 2, much of the Hasmonean kingdom was royal land rather than private land.

⁵ Schalit 1972, 267; Applebaum 1989, 21–9; Schäfer 2003, 66.

⁶ Josephus, *B.J.* 1:154; *A.J.* 14:74.

⁷ See Sullivan 1990; Harris 2013; Scheidel 2015.

⁸ Cicero, *Prov. cons.* 5.10: “And as for the miserable farmers of the revenue – miserable man that I also am, when I see the miseries and sufferings of those men who have deserved so well at my hands – [Gabinius] handed them over as slaves to the Judaeans and Syrian nations, themselves born for slavery. He laid down as a rule from the very beginning, and he persevered in it, never to decide an action in favour of a farmer of the revenue; he rescinded covenants that had been made without any injustice, he took away all the garisons established for their protection; he released many people who were subject to pay

also set up five councils (*synedria* [*synodoi* in the parallel in *B.J.* 1:170]), and divided the nation into as many parts. So these councils governed the nation: the first was at Jerusalem, the second at Gadara (?), the third at Amathus, the fourth at Jericho, and the fifth at Sepphoris in Galilee. And so the people were now removed from monarchic rule and lived under an aristocracy.”⁹ Gabinus’s reforms thus created organizations of landowning local elites known as *synedria* (or *synodoi*), which were invested with control over direct and indirect taxation. This administrative reconfiguration was undoubtedly an attempt to divide the region into city-based administrative units governed by local elites, much like Pompey and his subordinates did in Bithynia and Galatia.¹⁰

tributes and taxes from such payments; whatever town he was living in or whatever town he arrived at, there he forbade any farmer of the revenue or any servant of such farmer to remain.” (*Iam vero publicanos miseros – me etiam miserum illorum ita de me meritorum miseriis ac dolore – tradidit in servitutum Iudaeis et Syris, nationibus natis servituti. Statuit ab initio, et in eo perseveravit, ius publicano non dicere; pactiones sine ulla iniuria factas rescidit; custodias sustulit; vectigalis multos ac stipendiarios liberavit; quo in oppido ipse esset aut quo veniret, ibi publicanum aut publicani servum esse vetuit*). Cf. Cicero, *Pis.* 41, 48; *Sest.* 43.63; *Flac.* 28.69; Dio Cassius 39.56, 59; Josephus, *B.J.* 1:170; *A.J.* 14:91. Braund (1983) has argued that, although Gabinus seems to have operated against the *publicani*, it was not until Caesar’s actions that they were expelled. But while it might be true that they were still attempting to collect tributes by the time of Caesar’s decrees, Braund wrongly downplays Gabinus’s formation of the five councils as an alternative to the contracted tax-farming of the *publicani*. Udoh (2005, 16–17) notes that Gabinus’s reforms did not simply allow local authorities to negotiate agreements (*pactiones*) with the *publicani* for a fixed sum, but actually removed the *publicani* from the process entirely. See further Smallwood 2001, 30–8; Udoh 2005, 9–99; Seeman 2013, 275–6, 280–3. Note, however, that the actions of Gabinus and Caesar endeavored to bring an end to the collection of tributes by *publicani*, but there is no reason to think that they no longer had any presence in Syria (and Judaea). On the contrary, *publicani* still took out contracts to collect tolls and duties (see below). On the economic activity of the *publicani* at this time, see further Harris 2013, 520, explaining that tax-farmers formed a relatively well-connected network controlling a vast credit market (Harris compares them to a bank). Cf. Frier and Kehoe 2007, 127–8; Rathbone 2009; Bang 2012, 203–10.

⁹ Gadara here is usually considered a mistake for Gazara, Gadora, or Adora, especially since the name Gadara is often mistaken in literary sources (Fitzgerald 2004, 344).

¹⁰ See Mitchell 1984; 1993, 86–9; Woolf 1997, 3; Dmitriev 2005, 200–1; Madsen 2009, 34–40. For the Roman partition of a province into administrative units governed by councils, some scholars of ancient Judaism have oddly tended to point to the much earlier example of Macedonia in 168 BCE (Livy 45.29.5–9). See, for instance, Goodblatt 1994, 110; Sharon 2012, 425 n. 32. Perhaps the nomenclature of *synedria* was introduced in Palestine because the places where the councils were based were not technically *poleis*, and Gabinus did not yet wish to raise their status. See also Lapin 2001, 155–8. The argument of Morrell (2017, 57–97) that Pompey’s imperial policy in the East was influenced by Stoic ethics might help to explain Pompey’s initiative of empowering councils of local elites and regulating *publicani*. Such a suggestion should not be understood, however, as exonerating Pompey of self-interest and violence.

A vexing question about these councils is their relation to the Jerusalem *boulē* and the “Sanhedrin” that is vilified in the New Testament and glorified in rabbinic sources. The “Sanhedrin” was not, as David Goodblatt and others have argued, a formal, independent organization of Judean self-governance, but rather an *ad hoc* advisory council subordinate to either the king, high priest, or Patriarch, depending on the period.¹¹ The earliest reference (though recorded later by Josephus) to a *synedrion* by that title in Palestine is associated with Gabinius’s reforms, in which these five councils were set up as enduring political and economic organizations tasked with regulating direct taxation and accountable to the Syrian proconsul.¹²

This relative autonomy was short-lived, for Hyrcanus II took control of the Jerusalem *synedrion* when Caesar restored him as high priest and made him ethnarch. Hyrcanus must have dissolved the other *synedria* entirely or at least made them subordinate to the Jerusalem *synedrion*, for we do not hear of them again.¹³ From this point on, the Jerusalem *synedrion* only appears in Josephus and the New Testament functioning as a council of mixed composition (priestly elites, Pharisees, Sadducees, Herodian loyalists, scribes, etc.) spontaneously convened by the high priest or Herodian king to address judicial matters such as execution for political reasons.¹⁴ This contrasts starkly with the less reliable rabbinic retrojection of the “Sanhedrin” in Mishnah Sanhedrin and elsewhere as the foremost

¹¹ Goodblatt 1994, 77–130, esp. 109. See also Goodman 1987, 113–16; 1996, 772; McLaren 1991, 213–17; E. Sanders 1985, 309–17; 1992, 472–90; Levine 2002, 267–9; Grabbe 2008b; Sharon 2012, 423–32. For the traditional view, see Hoenig 1953; Mantel 1965.

¹² This excludes Josephus’s use of the term *συνέδριον* in his paraphrase of the Letter of Aristaeas (A.J. 12:103), taking the term from this source (Let. Aris. 301), where it refers to the assembly of Judeans sent to Alexandria for the translation project. Josephus also uses the term in A.J. 13:364 for a meeting of the civic council of Gaza. Additionally, the LXX uses the term to translate *דן* and *דור*, and 2 Macc 14:5 has a *συνέδριον* of Demetrius. Sharon (2012, 423–32) rightly calls attention to there being no references to a *συνέδριον* in Palestine prior to Gabinius in order to emphasize that it was an independent institution from this point onwards. On the depiction of the *συνέδριον* in Psalms of Solomon 4 (arguably produced in the 30s BCE), see Keddle 2018a, 106–15; forthcoming a.

¹³ Goodman 1987, 114–16; Goodblatt 1994, 114.

¹⁴ See Josephus, B.J. 1:208–211/A.J. 14:158–84 (convened by Hyrcanus to try Herod for murdering Hezekiah); A.J. 15:161–73 (convened by Herod to try Hyrcanus; cp. B.J. 1:434); B.J. 1:537/A.J. 16:357–67 (convened by Herod to try his sons Aristobulus and Alexander); B.J. 1:571/A.J. 17:46 (convened by Herod to try Pheroras’s wife); B.J. 1:620–44/A.J. 17:93 (convened by Herod to try his son Antipater); A.J. 20:200–2 (convened by the high priest to try James); A.J. 20:216 (convened by Agrippa II to deal with the complaints of “Levites”); Mark 14:55/Matt 26:59/Luke 22:66/John 11:47 (convened by the high priest and company to try Jesus); Acts 5:27–40 (convened by the high priest and company to try James and Peter); Acts 6:12–8:1 (convened by the high priest and company to try Stephen); Acts 22–3 (convened by the high priest and company at the request of the Roman tribune to try Paul).

independent political and religious organization of the Judaeans, which was dominated by the Pharisees.¹⁵

After about 47 BCE, then, ruling authorities would convene a *synedrion* of Judaeans elites on judicial and economic matters of relevance to the Judaeans *ethnos* much as a governor might call a special council (*consilium praesidis*) to advise him on particular issues in other provinces.¹⁶ Although *ad hoc*, this council would have had a more regular schedule and constitution at certain times. Contra Tcherikover, the *synedrion* was thus not the same as the Jerusalem *boulē*, the civic council, though most or all Judaeans elites summoned as a *synedrion* probably also served on Jerusalem's *boulē* along with some non-Judaean elites.¹⁷ In sum, the *synedria* only technically regulated direct taxation in the period between 57 and 47 BCE, although many (if not all) of the elites that constituted the *synedrion* remained involved in taxation as administrative officials or *bouleutai*, as was the case throughout the Early Roman period.¹⁸

The decrees issued by Julius Caesar and the Roman Senate in 47 BCE not only revoked the direct fiscal authority of the five councils but also reaffirmed Gabinus's initiative against the *publicani* and set a fixed annual rate for the tribute. Although the historicity of Caesar's decrees as preserved in Josephus has been disputed because the decrees are set in an apologetic context, positioned out of chronological order, and tainted by errors, Miriam Pucci Ben Zeev and Fabian Udoh have demonstrated that their main provisions are historically retrievable, while their blemishes were accrued during their translation from Latin to Greek and ensuing transmission.¹⁹ Similar to his remission of one-third of direct taxes in the cities of Asia to compensate for the overexactions imposed by the *publicani*, Caesar endeavored to banish tribute-farming in Palestine once and for all.²⁰

¹⁵ See further Goodblatt 1994, 232–76; Hezser 1997, 186–94.

¹⁶ Goodman 1987, 115–16; 1996, 772; Levine 2002, 269. On *consilium praesidis*, see the seminal contribution of Weaver (2002). For an in-depth study of the power and economic influence of different types of provincial councils in the empire, see Edelmann-Singer 2015.

¹⁷ Tcherikover 1964. See also Grabbe 2008b, esp. 17, viewing βουλή and συνέδριον as different sources' names for the same organizations.

¹⁸ Udoh 2005, 239–42.

¹⁹ Udoh 2005, 31–41; Pucci Ben Zeev 2008, 1–11, 357–68. The decrees are Josephus, A.J. 14:190–210, but it should be noted that the decree in 14:200–1 is from April 11, 44 BCE, whereas the other decrees are from the summer of 47 BCE (Udoh 2005, 40).

²⁰ On Caesar's banishment of the *publicani* and tax remission in Asia, see Appian, *Bell. civ.* 5.4.19; Plutarch, *Caes.* 48; Dio Cassius 42.6.4. See Braund 1983, 243–4; Dmitriev 2005, 201; Monson 2015, 199; Scheidel 2015, 233. In Asia Minor, Caesar also upheld traditional privileges and sacred rights of certain cities such as *asylia* (RDGE 54; SEG LIII 1290).

With his decrees, Caesar reasserted that Judaea, centered on Jerusalem, must pay the land tribute to Rome each year except for sabbatical years, in which Judaeans do not exploit the land. They must hand over the land tribute at Sidon every second year in the amount of a quarter of agricultural produce, or 10.7 percent annually.²¹ The important harbor city of Joppa must pay tribute separately in the amount of 20,675 *modii* of grain every year except the seventh to cover the land tribute as well as harbor and export taxes.²² Herod's father Antipater, as financial deputy (*epitropos*) to Hyrcanus, organized the collection of the tribute following Caesar's decrees.²³ Reviving the toparchy structure of tax collection used by the Hasmoneans and their foreign predecessors, Hyrcanus and Antipater did not rely on Gabinus's councils, but local elites were still involved

²¹ Josephus, A.J. 14:203: "And that in the second year they shall pay tribute at Sidon, consisting of one fourth of the produce sown" (καὶ ἵνα ἐν Σιδῶνι τῷ δευτέρῳ ἔτει τὸν φόρον ἀποδιδῶσιν τὸ τέταρτον τῶν σπειρομένων). The difficult phrase τῷ δευτέρῳ ἔτει has variously been understood as "in the next year" (the year after the sabbatical year) (Schalit 2001, 780), or "in the second year" (Momigliano 1967, 21; Udoh 2005, 51). The argument for "in the second year" is much more convincing, since 25% given only on the first year after the sabbatical would translate to a tribute rate of only about 3.6% annually. Even a tribute of 25% every second year might be on the low side of what we should expect, amounting to 12.5% each year of sowing or about 10.7% annually. See also Fiensy 1991, 100. However, if we accept that Caesar is also recognizing the tithe to Hyrcanus as part of the overall direct taxation in kind for Judaea (granting Hyrcanus a "favor," as it were), then the annual 8.6% for the tithe plus the 10.7% for the tribute add up to 19.3% (Duncan-Jones 1990, 189). This figure is on the high end of the tax rate range we should expect based on comparative sources. As Duncan-Jones (1990, 187–9) has noted, the second-century CE land-surveyor Hyginus (205L) records provincial tributes in kind totalling between 14% and 20% of the annual crop – a range that is often corroborated by other sources.

²² Josephus, A.J. 14:206: "and for this city [Joppa], Hyrcanus, son of Alexander, and his sons shall pay tribute, collected from those who inhabit the territory, as a tax on the land, the harbor, and exports, payable at Sidon in the amount of twenty thousand six hundred and seventy-five *modii* every year except in the seventh year, which they call the sabbatical year, wherein they neither plow nor take fruit from the trees" (φόρους τε [τελεῖν] ὑπὲρ ταύτης τῆς πόλεως Ὑρκανὸν Ἀλεξάνδρου υἱὸν καὶ παῖδας αὐτοῦ παρὰ τῶν τῇ γῇν νεμομένων χώρας λιμένος ἐξαγωγίου κατ' ἐνιαυτὸν Σιδῶνι μοδίουσιν δισμυρίουσιν χρεὶς ὑπεξαρουμένου τοῦ ἑβδόμου ἔτους ὃν σαββατικὸν καλοῦσιν καθ' ὃν οὔτε ἀροῦσιν οὔτε τὸν ἀπὸ τῶν δένδρων καρπὸν λαμβάνουσιν). Here, a textual issue has called into question whether Caesar is declaring that the Judaeans have to pay tribute to Joppa or if Hyrcanus receives tribute from Joppa. The problem is that the word τελεῖν inserted in brackets above does not appear in the MSS, but was suggested as an emendation by Viereck and accepted by Marcus (LCL ed.) and most others. As Smallwood (2001, 41 n. 62) explains, "The main clause of 14:206 lacks a verb in all MSS. but one, which has ἔχειν, giving the improbable meaning that Hyrcanus is to receive the tax paid by Joppa. The emendation τελεῖν, making him pay a tax, by implication to Rome, for the recovery of the city, is generally accepted." Cf. Udoh 2005, 45 n. 63, 46 n. 65.

²³ On Antipater's official roles, see Richardson 1996, 106; Smallwood 2001, 39; Udoh 2005, 133–5.

in taxation. The various officials regulating taxation in the toparchies (*stratēgoi*, *kōmogrammateis*, etc.) were mostly Judaeen elites, and some of these officials (particularly those in Jerusalem) would also have served on the *synedrion* as advisors to Hyrcanus.

Collected by officials and their agents in each toparchy, the land tributes were paid as a fixed proportion in kind.²⁴ The rate of the tribute at any given point fluctuated according to categories of land, with royal (and later, public) types of land charged a higher rate than private land. From royal/public land, the tribute was collected directly from tenants as rents. On private types of land, tributes affected tenants in one of three ways. With fixed rent arrangements, either landowners paid the land tribute and adjusted rents to compensate for this loss, or tenants accepted full responsibility for land taxes.²⁵ In sharecropping (fixed percentage) arrangements, the land tax was deducted before the landowner and tenant divided their shares.²⁶

Besides the land tributes, Caesar's decrees do not mention any head taxes. They do specify, however, that Judaeen farmers must also pay tithes to "Hyrcanus and his sons," which amount annually to 8.6 percent (10 percent every year but the seventh) on top of the Roman tribute. At this point, then, Hyrcanus, his *epitropos*, and other officials regulated the collection of the Roman tribute and some other taxes, whose quantity and rates we do not know, while Hyrcanus and the priestly elites also collected tithes. Caesar's reforms brought a new degree of order to taxation for a short while, but soon the people were again burdened by irregular exactions such as the tributes imposed by Cassius, one of the senators who conspired to assassinate Caesar.²⁷

After Herod was affirmed as client-king (*rex sociusque et amicus populi Romani*), Palestine entered a new phase of fiscal administration. One of Udoh's most important contributions to scholarship was demonstrating that, because he was a client-king, Herod's kingdom (and the subsequent kingdoms of Archelaus, Antipas, Philip, Agrippa I, and Agrippa II) most likely did not pay tribute to Rome.²⁸ He argues that this was the case from

²⁴ On provincial land tributes being paid in kind, or mostly in kind, see Udoh 2005, 228–31; Duncan-Jones 1990, 189–94; Erdkamp 2005, 219–37.

²⁵ J. Crook 1967, 148; Rowlandson 1996, 37; Temin 2013, 148.

²⁶ G. Sanders 2014, 109.

²⁷ Josephus, *B.J.* 1:180; *A.J.* 14:272–3. Cf. Dio Cassius 47.28.3; Plutarch, *Brut.* 19.3; Appian, *Bell. civ.* 4.57–8. On Cassius's actions in Syria (including Palestine), see the discussion in Udoh 2005, 100–9.

²⁸ Udoh 2005, esp. 113–52 (on Herod), 153–9 (on Herod's descendants as client-kings); 2014, 371–73. For the view that the Herods and other client-kings under the Principate did not pay tributes, see also Sands 1908, 127–39; Schürer 1973, I: 317, 416 n. 85; Braund 1984, 64–6; 1988, 92; Millar 1993, 46–8; Pastor 1997, 109–10; Gabba 1990, 164; 1999, 116, 121–2; Jacobson

the beginning of Herod's reign upon claiming his throne from the last Hasmonean dynast, Antigonus II Mattathias, in 37 BCE. It is more likely, however, that release from the Roman land tribute only occurred after Augustus reaffirmed Herod as client-king in 30 BCE, although it is important to note that the collection of the tribute was occasional and irregular during the period of Antony's sway.²⁹ In any case, like other client-kings, Herod and his sons did not transmit land tributes or capitation taxes to Rome. For private landowners and their tenants, this was a relief. Tenants on royal land, however, continued to pay rents to the king that were tantamount in effect to paying the Roman tribute on public land, except that the revenue was not transmitted to the emperor. Moreover, Herod must have collected head taxes from his subjects as well as a number of indirect taxes, the latter being a burden Udoh has emphasized.³⁰ Although Josephus

2001, 25; Rocca 2008, 54, 209; Ariel and Fontanille 2012, 10. Udoh has articulated his perspective in response to some of the same scholars I have elsewhere credited with viewing the economic situation in the Early Roman period as especially exploitative. For the expectation that the Herodian client-kings paid a regular direct tribute to Rome, and that this oppressed the Judean people, see Schalit 2001, 87, 161–2; Applebaum 1976, 661–2; Freyne 1980, 189–91; Oakman 1986, 68; Fiensy 1991, 100 (but see his more cautious assessment in 2014, 85); Horsley 1995b, 119; 1996, 78; 2014, 31–3, 109; K. Hanson 1997; Kloppenborg 2000b, 235.

²⁹ Rocca (2008, 197–239) is probably correct that we should split Herod's economic record into two parts, the early years under Antony and the remainder of his reign under Augustus. Udoh (2005, 137–43) has argued that the relevant passage in Appian (*Bell. civ.* 5.8.75) is fraught with problems, but I maintain that it nevertheless corroborates the otherwise likely possibility that Antony imposed the tribute on Herod. Appian states that Antony set up kings who would collect tributes for him in a number of places, including Herod's Idumaea and Samaria: "He [Antony] set up kings here and there as he pleased, on condition of their paying a prescribed tribute: in Pontus, Darius, the son of Pharnaces and grandson of Mithridates; in Idumaea and Samaria, Herod; in Pisidia, Amyntas; in a part of Cilicia, Polemon, and others in other nations" (Ἰσθη δὲ πῇ καὶ βασιλέας, οὓς δοκιμάσειεν, ἐπὶ φόροις ἄρα τεταγμένοις, Πόντου μὲν Δαρεῖον τὸν Φαρνάκου τοῦ Μιθριδάτου, Ἰδουμαίων δὲ καὶ Σαμαρέων Ἡρώδη, Ἀμύνταν δὲ Πισιδῶν καὶ Πολέμωνα μέρους Κιλικίας καὶ ἑτέρους ἐξ ἑτέρα ἔθνη). That the passage does not mention Judaea explicitly alongside Samaria and Idumaea does not detract from the conclusion that Herod paid tribute under Antony. While it is possible that the gold and silver Herod transmitted to Antony shortly after his accession (*A.J.* 15:5; *B.J.* 1:358) was an irregular proxy for the tribute in that year, there is no reason to reject the Appian passage entirely and assume that Herod did not pay tribute frequently (though perhaps irregularly) under Antony – not so much because Appian is a trustworthy source, but because Antony would have required such tributes to increase his military might and Herod would have been eager to show his loyalty to Antony as part of his bid for power as a new client-king. See further M. Stern 1976–84, II: 186–9.

³⁰ Udoh 2005, 164–80. On indirect taxes, see below. Udoh argues that our evidence does not allow us to conclude that Herod collected capitation taxes (164–71). Although the Josephan texts supply little to go on, it is difficult to accept that Herod's tax agents in the cities and toparchies did not employ more or less impromptu censuses in order to collect capitation taxes as was the case in late Ptolemaic Egypt. It is suggestive that Josephus

went to great lengths to portray Herod as an economically repressive tyrant, taxes under him and his sons were no more burdensome than in the earlier and later periods of direct Roman rule. Josephus even concedes that, during times of economic hardship caused by drought, Herod offered relief by supplying grain (28/27 BCE) or remitting taxes (33 percent in 22/21 BCE and 25 percent in 14 BCE).³¹

Accordingly, a new scholarly consensus is emerging that Herod's great expenditures, such as his building projects, were not funded by extreme taxation. Unfortunately, far too many details about Herodian taxation are lost to reconstruct tax rates, the full list of taxes, or the exact mechanisms of collection. It is worth identifying, nonetheless, three main effects that release from the land tribute would have had on subjects: first, that Rome did not appear to be economically repressive; second, that the sum total of the tax burden may have been reduced, but regardless would have been at least partially redistributed into an array of lower and less direct taxes; and third, that Rome's prerogative to endow local elites with some control over regulation of direct taxes would have been temporarily allayed.

With the return of lesser Judaea to direct Roman rule in 6 CE, followed by other regions in the mid first century CE (excepting the period of Agrippa I's reign), Palestine again became a provincial tributary of Rome. This would have had a greater symbolic than strictly financial impact on

uses the word *εἰσφορά* for the annual Herodian taxes Archelaus was petitioned to remit along with duties (A.J. 17:204–5; cf. B.J. 2:4, where the taxes are not explicitly described as annual) because he uses the same word to distinguish the Roman poll-tax in Egypt as clearly a separate imposition than the land tribute, though qualifying it differently: *καθ' ἑκάστην κεφαλὴν εἰσφορᾶς* (B.J. 2:383–5). Elsewhere Josephus uses this word to designate “annual taxes” (*ἐτησίους εἰσφορὰς*) Herod relieved in Phasaelis, Batanaea, and the small cities around Cilicia (B.J. 1:428). In B.J. 2:404, he even uses the term for the Roman tribute paid to Florus. Altogether, these references strongly suggest that Josephus reserved the term *εἰσφορά* for capitation taxes paid first to Herod and Rome.

³¹ Josephus, A.J. 15:299–316 (grain in 28/27 BCE); 15:365 (remission in 22/21 BCE); 16:64 (remission in 14 BCE). There is some debate as to the dating of these relief actions. This dating follows the approach of Richardson (1996, 222, 236), who dates each of these incidents to the year following a sabbatical year. Ariel and Fontanille (2012, 8, 13–14, 37–8) corroborate these dates. For alternative views along with discussions of these actions within Herod's economic program, see Gabba 1990, 165 n. 29; Pastor 1997, 114–27; Rocca 2008, 206. On Herod's relief acts as euergetism, see Marshak 2015, 247–9. Udoh (2005, 206) suggests that Herod “reduced the taxes he received from the Jewish parts of his realm by about 50 percent (33 percent and again 25 percent of the new rate) in the six-year period from 20–14 B.C.E.” Remissions of this sort, however, were usually temporary. It is unlikely that the earlier remission was still in effect at the time Herod offered the second one. Perhaps Herod began offering partial remissions of taxes in the years following sabbatical years with the expansion of his building program in the mid to late 20s, but it is doubtful that they would have lasted for more than a year each.

non-elites. In order to decipher the ramifications of this change, we must take a closer look at the evidence for the implementation of censuses in relation to the exaction of the tribute.

Censuses and the Regulation of Tributes

Walter Scheidel has explained that a major change transpired in Roman provincial administration precisely in the interim between the first two historical moments at which Judaea fell under direct Roman rule, namely a movement from predatory tax-farming to the systematization of self-taxing by local elites.³² As we have seen, this development was prefigured in Palestine by the actions of Gabinius and Caesar, but it was becoming standard provincial procedure only by the time lesser Judaea was annexed in 6 CE. Central to this transition towards regulating self-taxing by local elites was the introduction of regular censuses in the provinces.³³ The formal collection of the Roman tribute through the institution of censuses did not fundamentally alter the economic burden of non-elites, but it did put local elites in a position of greater economic, and thus ideological and political, power.

Just after the annexation of Judaea, Josephus records that the newly promoted Syrian legate P. Suplicius Quirinius took a census (*apographē*) of the people of Syria in 6 CE, with the assistance of Coponius in Judaea (A.J. 17.355–18.4; cf. B.J. 2:117–18). This is the same census that the author of Luke (2:1–6) mistakenly places in Herod's lifetime and uses as a narrative device to get Joseph and Mary to return to their hometown of Bethlehem to register, thereby fulfilling prophecies that the messianic leader of Israel would come from Bethlehem (Micah 5:2).³⁴ Quirinius is also known from

³² Scheidel 2015, 235–42.

³³ See especially the wide-ranging study of Le Teuff (2012). See also Wallace 1938, 96–115; Neesen 1980, 30–61; Bagnall 1991; Rathbone 1993, 86–99; Bagnall and Frier 1994; Lo Cascio 1999; Claytor and Bagnall 2015; Scheidel 2015, 235–42.

³⁴ Cf. Acts 5:37: “In the days of the census, Judas the Galilean rose up and got people to follow him” (Ἰούδας ὁ Γαλιλαῖος ἐν ταῖς ἡμέραις τῆς ἀπογραφῆς καὶ ἀπέστησεν λαὸν ὀπίσω αὐτοῦ). Josephus was arguably the source whose information on the census Luke muddled (on Luke's dependence on Josephus, see Sterling 1992, 365–9; Mason 2003b, 185–225). The language used by Luke and Josephus (ἀπογραφῆ; ἀπογράφειν) is also employed in the Egyptian and Arabian documents. This is not the place to take up the debate over the historicity of Luke's dating of Quirinius's census before Herod's death (ca. 4 BCE). With most historians, I consider Luke's dating erroneous and find attempts to posit a second census unnecessary. For extensive discussions of the issues involved, see Brown 1977, 547–56; Fitzmyer 1981, I: 399–405. On Quirinius, see further L. White 2004, 33–4. It is worth noting, however, that Luke's portrayal of this census seems to imagine part of its purpose as collecting the capitation tax, for even if Joseph was understood as a landowner or tenant

an inscription to have ordered Q. Aemilius Secundus, prefect of an auxiliary regiment (the *Cohors II Classica*), to take a census in Apamea in 6 CE – a source I discuss further below. Thus, Quirinius’s role as the generator of a census is without question. Josephus’s timing of the census immediately after annexation is plausible, although there could have been a somewhat longer time lag.³⁵

Official province-wide censuses were a Roman institutional innovation of the Augustan era, but they were based on less standardized Roman Republican and Ptolemaic precedents. The earliest provincial censuses were taken in Gaul and Hispania in 27 BCE.³⁶ Egypt started taking censuses every seven years beginning in 11/10 BCE before switching to a fourteen-year cycle under Tiberius.³⁷ Based on information cobbled together from literary and epigraphic evidence, it appears that eventually all of Rome’s provinces independently regulated direct taxation through censuses.³⁸ The best documentary support, however, comes from Egypt and Arabia and raises questions about the nature of the census in Judaea.

(he is not called a τέκτων in Luke as in Mark 6:3 and Matt 13:55), he would have been enrolled where his land was, i.e., Nazareth. Note that Luke envisions Quirinius’s census as a provincial instance of a universal Augustan census, and does not acknowledge that Antipas’s Galilee was (probably) not included in Quirinius’s census of Syria (including lesser Judaea). Luke presents Joseph as returning to his “house” (the house of David) to register with Mary (2:5), clearly for the capitation tax (though also possibly the land tribute). Regardless, Egyptian papyri suggest that a person in Joseph’s situation could have registered for capitation taxes away from his hometown as a ξένος (Monson 2014a, 137). In any case, this Lukan story cannot serve as historical evidence for the exact situation in Early Roman Palestine, but it does provide (with regard to Luke’s context) further support for the connection between Roman provincial censuses and capitation taxes. On Quirinius’s census, see further Le Teuff 2012, 69–74.

³⁵ It is reasonable to think (with Josephus) that Quirinius immediately ordered a census in 6 CE, yet the dating cannot be precisely proven. Theoretically, the census could have taken place anytime between his appointment as legate in 6 CE and ca. 12 CE, when he returned to Rome. That the census was not always immediately taken is suggested by the Egyptian and Arabian sources, which seem to show that the first censuses were taken in each of those provinces one to two decades after they were incorporated into the empire. This time lag may be instructive for understanding the beginnings of the census in other provinces, but additional documentation may alter this impression. P. Freeman (1996), for instance, has noted that the annexation of Arabia was anomalous in many ways. He has stressed that this annexation was characterized by “hesitancy and confusion.”

³⁶ On Gaul, see Livy, *Per.* 134; Dio Cassius 53.22.5; 54.25.1. On Hispania, see Dio Cassius 53.22.5; 54.25.1. Cf. *CIL* X 680, an inscription of T. Clodius Proculus, who was sent to Lusitania to take the census in either 27 or 12 BCE (Le Teuff 2012, 16, 402).

³⁷ Bagnall 1991; Rathbone 1993, 86–99; Claytor and Bagnall 2015.

³⁸ E.g., Neesen 1980, 30–61; Lo Cascio 1999; Le Teuff 2012; Scheidel 2015, 235–42. For a handy list of literary and epigraphic sources of censuses in the provinces other than Egypt, see Le Teuff 2012, 250–1.

It is usually assumed that the intention of the census in Judaea was to register persons and their property for the land tribute (*phoros*) and poll-tax (*laographia*). The latter was an explicit purpose of the census in Roman Egypt. Udoh has dissented that there is no evidence for the claim that the census in Judaea was for anything other than the land tribute, which was paid largely in kind.³⁹ Indeed, Udoh goes so far as to argue that Rome did not exact a capitation tax like the Egyptian poll-tax in Judaea until after the First Revolt. In addition to dispensing with Appian's statement that Judaeans paid the poll-tax (*Bell. civ.* 11.8.50) as an anachronism and debunking scholarship that points to Jesus's broad use of the Greek word *kēnsos* ("census") for "taxes" in Mark 12:14 as proof of the "poll-tax" in Jesus's lifetime (both reasonable assertions), Udoh further supports this argument by appealing to the land declarations of 127 CE among the documents from Arabia.⁴⁰ Hannah Cotton has maintained that these documents, which are products of the first official census taken in the "new province of Arabia" (*P.Yad.* 16, ll. 9–10) since its incorporation in 106 CE, were explicitly for the declaration of land for the *tributum soli*.⁴¹ Udoh takes this as proof that the census that required these land declarations would not also have been used for the registration of persons for capitation taxes.⁴²

While Udoh is right that we should expect variation in census practices in the different provinces, it is much more likely that Palestine's censuses were for both the land tribute and a capitation tax. Most importantly, it appears that the usual Roman practice was to use the census for capitation

³⁹ Udoh (2005, 213–17) is correct that the use of the census in Judaea to collect the land tribute is indisputable, especially on the basis of Josephus's description of the 6 CE registration in *A.J.* 18:3: "So those who were convinced by Joazar's words declared the value of their property (ἀπετίμων τὰ χρήματα) without any dispute about it." Although the Arabian documents use the language of ἀπογραφὴ and ἀπογράφειν for the registration of land as part of the census (*P.Yad.* 16, ll. 1, 3, 15; *P.Yad.* 24, ll. 4, 5, 11, 14, 16, 20; *P.Hev./Se.* 61 frg. a–b, ll. 2–3; frg. c, l. 2; *P.Hev./Se.* 62 frg. a, ll. 1, 3, 13), Udoh (2005: 217) has noted that the documents specifically refer to the 127 CE census of the legate Titus Aninius Sextius Florentinus in Arabia as an ἀποτιμήσις (*P.Yad.* 16, l. 11; *P.Hev./Se.* 62 frg. a, l. 10). This illuminates Josephus's use of a form of ἀποτιμάω for the land declaration related to the registration (ἀπογραφὴ) in *A.J.* 18:1–3. This connection leaves little doubt that Quirnius's census involved land registration, but it by no means excludes that it also involved a capitation tax.

⁴⁰ Udoh 2005, 213–38. Zeichmann (2017) argues compellingly that Mark's anachronistic language for taxation in 12:13–17 reflects the *fiscus Iudaicus*, though it is unlikely that monetary capitation taxes were as rare as he suggests prior to this tax. Kloppenborg (2005) and Kimondo (2018) provide extensive arguments for the production of Mark shortly after 70 CE.

⁴¹ Cotton 1997, 206–8; 2003, 107, 116–17. See also Claytor and Bagnall 2015, 645.

⁴² Udoh 2005, 229.

taxes. In this light, the Arabian situation is a possible variation betraying the multiple and diverse purposes these censuses served.⁴³

Even the Arabian documents, however, may have been used for capitation taxes. It is potentially the case that Babatha's land declaration (*P.Yad.* 16) only involved land because, as a woman, she was not liable to the poll-tax (as was the case in Egypt).⁴⁴ The other two Arabian land declarations both belonged to men. Unfortunately, *P.Hev./Se.* 61 is too fragmentary to reveal what its declarant, a "son of Levi," has registered. *P.Hev./Se.* 62, the Greek declaration of Sammouos, Salome Komaise's first husband, provides more information: "I, Sammouos son of Shim'on, of Maḥoza in the district of Zo'ar of the administrative region of Petra, domiciled in my own private property (*oikōn [e]n idiois*) in the said Maḥoza, register myself (*apographomai emauton*), thirty years old, [as owner of?] a yearly half-share of a field ..."⁴⁵ This declaration goes on to detail all of the property Sammouos has registered in partnership with his brother as well as some taxes paid in kind from the land. As Naphtali Lewis has detected, it is possible that Sammouos said, "I ... register myself," indicated where he was "domiciled," and supplied his age because he was not only registering his land but also his person.⁴⁶

It is important to recognize that Sammouos's declaration and the related census must have served multiple purposes. Sammouos's declaration was not only for the Roman land tribute (*phoros*) payable in kind and cash, but was also used to assess at least one additional tax paid in cash, the

⁴³ On the use of censuses for capitation taxes in the provinces, see Le Teuff 2012, 149–98.

⁴⁴ Babatha explicitly states, "I register what I possess" (ἀπογράφωμαι ἃ κέκτημαι) in *P.Yad.* 16, l. 15. Lewis (1985–8, 136) considered the possibility that she did not register herself because she was a woman, but deemed this speculative. Lo Cascio (1999, 201) argued this position more affirmatively. Cotton (2003, 114–15), however, observes that, even if Babatha was excluded as a woman from paying the capitation tax, on analogy with the Egyptian documents she should have been "registered properly together with others who resided in the same household." She further points to Ulpian's record that women paid a capitation tax in early third-century CE Syria (*Dig.* 50.15.3) as suggestive that they did the same in early second-century CE Arabia, but this conclusion does not hold up as long as women in Egypt at the same time were not paying capitation taxes (although they were registered nonetheless). Whether women were expected to pay capitation taxes evidently varied by province. On age and sex regulations in census declarations, see further Le Teuff 2012, 160–72. See also Udoh 2005, 218.

⁴⁵ *P.Hev./Se.* 62 frg. a, ll. 12–15 (trans. by Cotton in Cotton and Yardeni 1997, 189). In addition to *P.Hev./Se.* 61, 62, and *P.Yad.* 16, which are land declarations relating to the census, see *P.Yad.* 24, a deposition pertaining to property registered by the census.

⁴⁶ Lewis 1985–8, 136. Also, Le Teuff 2012, 160–2. Note that Babatha's declaration, while not supplying her age, also mentions that she is "domiciled in my own private property" (οἰκοῦσα ἐν ἰδιοῖς), using the same formulaic language as Sammouos's declaration (*P.Yad.* 16, l. 16). For the opposing perspective, see Cotton 2003, 114–15; Udoh 2005, 218.

stephanikon (“crown tax”).⁴⁷ If this elusive “crown tax” – a holdover from the Nabataean fiscal system – is anything like the tax of the same name in the Seleucid provinces or Roman Egypt, it was basically a type of annual (if somewhat irregular) tax paid in cash.⁴⁸ For both Sammouos and Babatha, this cash tax was levied in connection with plots of land as it was in Egypt and is thus not a capitation tax proper. Still, it underscores the gray area between land tributes paid in kind and head taxes paid in cash. The fragmentary and elusive Arabian materials thus show that the census was used to collect more than just the land tribute. Based at least on Sammouos’s declaration, we should not rule out that the Arabian census – and by analogy the census in Judaea – was a mechanism for collecting a form of capitation tax.

One very interesting document from Naḥal Şe’elim, which Udoh overlooked, provides additional support for the theory that the Judaeian census was used for both land tributes and capitation taxes. *P.Jud.Des.Misc.* 4 (34Şe) is a Greek document of uncertain date, but on the basis of the other documents found in cave 34 at Naḥal Şe’elim, it was probably hidden by people involved in the Bar Kokhba revolt and was thus written in the first third of the second century CE.⁴⁹ The document could have come from Arabia, but may also have been recorded in Judaea. In other words, this document might constitute our only documentary evidence of the census in Judaea.

This document is almost certainly a census list.⁵⁰ Together, its six fragments supply at least fifty-five names, all of which are male. The names include patronymics and are organized by household so that each son is listed under his father. Notably, each name on this census list is accompanied by the age of the registrant. The exclusion of female names suggests that women were not included in the census in Judaea or Arabia in the

⁴⁷ *P.Hev./Se.* 62 frags c-m, ll. 17–18. Cf. *P.Yad.* 16, ll. 20, 27, 32.

⁴⁸ Wallace 1938, 281–4; Bowman 1967; Neesen 1980, 142–5; Aperghis 2004, 164. Cotton (2003, 117 n. 50; also in Cotton and Yardeni 1997, 194) emphasizes that the *στέφανικόν* was not the annual Roman *aurum coronarium* (which was not yet annual at this date), but an annual Nabataean tax taken over by the Romans. The distinction between these positions is moot, for the *στέφανικόν* in Egyptian and Seleucid contexts was gradually becoming a more regular annual tax in this period and was undoubtedly credited to the Romans. Broshi (1992, 236–9) seems to imply that the Roman governors in the early years of the province took over the “crown tax” rather than imposing a poll-tax.

⁴⁹ Charlesworth et al. 2000 (Cotton), 218.

⁵⁰ Charlesworth et al. 2000 (Cotton), 217–20, contra the absurd claim that this was a list of the soldiers of Bar Kokhba (Lifshitz 1961, 60–1). It could also be correct that it is a list of men who could be held accountable for liturgies (Cotton 2003, 118–21). This, however, does not diminish the possibility that it was a census document also used for assessing capitation taxes.

early second century CE. This fits with the distinction that we have seen between the registrations of Babatha and Sammouos, but contradicts the assessment of the early third-century CE jurist Ulpian of Tyre. The latter explains the situation in Syria as follows: “men are bound to pay poll-tax from 14, women from 12, in both cases up to 65.”⁵¹ Not only does Ulpian’s statement clash with the documentary sources recording the ages of men but not women; it might also clash with the registration of men aged 13 and 67 on this list (frg. a, col. ii., ll. 2, 9). There is no reason to think, however, that all men on this list were liable to capitation taxes.⁵² In any case, the inclusion of ages has convinced the editors that this must have been a census list even though the names and ages are all that remain of this extensive document – that is, the surviving document does not contain prefatory material indicating the date and purpose of the list. Much remains unclear about the origins of this list and its path to a cave at Naḥal Şe’elim, but it provides our best clue to date that censuses in Judaea were used to assess capitation taxes on adult men.

Thus, it is likely that Quirinius and his administrative successors used the census in Syria and the annexed parts of Palestine as a way to register property for the *tributum soli* as well as persons for capitation taxes. The so-called “house tax” that Josephus says Agrippa I remitted during his short interruption of direct Roman rule was conceivably a capitation tax collected by the Romans in association with the census.⁵³ Although one can only speculate, it is suggestive that the Egyptian poll-tax invariably involved registration by household (*kat oikian*), Sammouos of Arabia registered himself immediately after listing where he was “domiciled” (*oikōn*), and the men listed in *P.Jud.Des.Misc.* 4 were arranged by households. At the least, the existence of a house tax in the early first century CE demonstrates

⁵¹ *Dig.* 50.15.3. Udoh (2005, 208–18 at 218) rightly cautions against retrojecting Ulpian onto the situation in first-century Palestine.

⁵² This evidence also does not fit with census documents from Egypt, which indicate that men had to pay between the ages of 14 and 62. It is possible that this list is evidence that the census in Judaea or Arabia at this time included younger and older men than elsewhere, and hence a larger portion of the population; however, it is more likely the case that some men were included on the list but not taxed due to their ages, as was common in other provinces (Bagnall and Frier 1994, 27–30; Le Teuff 2012, 131).

⁵³ Josephus, *A.J.* 19:299: τὰ ὑπὲρ ἐκάστης οἰκίας. Not using a technical title for a tax here, Josephus could easily be referring to a capitation tax that Agrippa I remitted, implying that it was formerly collected under direct Roman rule. It is unfortunate that Udoh (2005, 177–80) did not consider the possibility that this “house tax” – which he even calls a capitation tax – was tantamount to the Roman poll-tax in Judaea. Instead, he views it as an extraordinary exaction possibly imposed by one of the prefects as a punishment. On Egyptian documents recording the ἀπογραφὴ κατ’ οἰκίαν, see Wallace 1938, 96–111.

that some sort of capitation tax was assessed, and it is hard to imagine that the Roman administration would not have used censuses to regulate such an assessment in Palestine as they did elsewhere.

Furthermore, it is significant that the often-overlooked *titulus* of Q. Aemilius Secundus, the only surviving material testimony of Quirinius's 6 CE census, establishes that Quirinius used the census in Syria for capitation taxes rather than just land taxes. This Latin inscription states that, "having been instructed by Quirinius to conduct a census in the city-state of Apamea, I counted 117,000 citizens" (... *iussu Quirini censum egi Apamēnae civitatis millium homin(um) civium CXVII*).⁵⁴ Udoh has overlooked Secundus's *titulus* as evidence for the census of Quirinius and his successors. Although the inscription highlights the numbering of "citizens," David Kennedy has explained that this must refer to all residents who were not slaves, resident foreigners, or nomads. The inscription thus evinces Quirinius's prerogative of ordering a census of persons rather than land alone, though not to the exclusion of the latter.⁵⁵

It appears, in sum, that when lesser Judaea, followed by the other territories of Palestine, was annexed to Syria and became tributary to Rome again in the first century CE, the census was introduced as a means of registering both land for the tribute and persons for some sort of capitation tax (perhaps the "house tax"). As in the rest of Syria and other provinces, local elites were directly involved in the collection of the tribute, much like elites in the five *synedria* were prior to Caesar's decrees. Equestrian officials and military personnel like the prefect Secundus must have overseen the process, but it was local elites who served in some official capacity in the cities (e.g., members of the *boulai*, who perhaps also served on the *synedrion*) and capitals of toparchies (e.g., generals and village scribes) who would have organized the collection of tributes and encouraged their payment.⁵⁶

Such elites may have themselves received privileged tax rates like the citizens of the Greek cities and other metropolitan elites in Egypt.⁵⁷ In

⁵⁴ CIL III 6687; ILS I 2683. See the full discussion of the inscription's significance in Kennedy 2006, from which the translation here is adapted (113). See Balty 1981, 32, fig. 27 for a photograph. Cf. Cotton 2003, 107; Le Teuff 2012, 69–74; Claytor and Bagnall 2015, 639. On Quirinius, see further Strabo, *Geogr.* 12.6.5; Suetonius, *Tib.* 49; Tacitus, *Ann.* 3.22–3; CIL VIII 68; X 3804; XIV 3613.

⁵⁵ Even though the inscription states that those registered were "citizens" (*homin[um] civium*), Kennedy (2006, 117) concludes that the 117,000 Secundus registered should be considered the count of all residents (not just citizens), including women and children but excluding slaves, nomads, and resident foreigners.

⁵⁶ Scheidel 2015, 236–8. On military oversight and the participation of civic officials in Arabia, see Cotton 2003, 110; Cotton and Eck 2005b.

⁵⁷ In Egypt, Roman citizens and citizens of the Greek cities were exempt from the poll-tax (as well as public liturgies in the country) while metropolitan elites in the nomes (who were

particular, the priestly elites of Jerusalem, who also received revenue from tithes, grew in wealth and power as facilitators and indirect beneficiaries of “direct” Roman taxation. From the moment the census was introduced, Josephus connects Jerusalem’s priestly elites to its implementation:⁵⁸ “Although the Judaeans were at first shocked to hear of the registration (*apographais*), they gradually condescended, yielding to the arguments of the high priest Joazar, the son of Boethus, to go no further in opposition. So those who were convinced by Joazar’s words declared the value of their property (*apetimōn ta chrēmata*) without any dispute about it.”⁵⁹ Towards the end of the tenure of the procurator Gessius Florus just before the First Revolt, Josephus even explicitly portrays Judaeans elites (or presumably, their agents) collecting tributes that had not been paid, reportedly on the advice of Agrippa II: “The magistrates and the members of the council (*archontes kai bouleutai*) dispersed to the various villages and levied the tribute (*phorous*). The arrears, amounting to forty talents, were rapidly collected.”⁶⁰ Udoh’s conclusion is apt: “in general it might be said that the Jewish aristocracy was responsible for collecting (direct) tribute.”⁶¹

Scholars have more often focused on the exploitative intent of Rome in the institutional structure of taxation than the role of Judaeans elites. This is reasonable, for on the one hand, Rome was the ultimate power behind and beneficiary of direct provincial taxation, and on the other hand, ancient Judaeans conflated direct taxation with Rome. As evidence of Judaeans discontent over high Roman taxation, scholars sometimes point to Tacitus’s less-than-reliable report that the provinces of Syria and Judaea petitioned Tiberius for lower taxes around 17 CE through his nephew Germanicus.⁶² What is often overlooked is that Tiberius had just become emperor in 14 CE and had also responded positively to provincial complaints about taxation

not technically Roman citizens or citizens in the *poleis*) paid the poll-tax at a discounted rate (8 or 12 drachmae rather than 20–44). See Jördens 2012a, 60; 2012b; Monson 2012, 262–72; Duncan-Jones 1994, 52.

⁵⁸ Goodman 1987, 44; Stegemann and Stegemann 1999, 118–19.

⁵⁹ Josephus, *A.J.* 18:3.

⁶⁰ Josephus, *B.J.* 2:405.

⁶¹ Udoh 2005, 242.

⁶² E.g., Oakman 1986, 68. Tacitus, *Ann.* 2.42.5: “And the provinces of Syria and Judaea, too, exhausted by their burdens, implored a reduction of tribute” (*et provinciae Syria atque Iudaea, fessae oneribus, deminutionem tributi orabant*). As Andrade (2012) has shown, Tacitus is here portraying Near Eastern peoples as desiring *imperium*, whether Roman or royal. Without *imperium*, according to Tacitus, these peoples become chaotic. Regardless of whether Tacitus’s claim that the Syrians and Judaeans requested a reduction of tribute is in any way reliable, he included this detail in order to set the stage for his representation of Germanicus as a figure seduced by the Near Eastern desire for autocracy.

in Macedonia and Achaia in 15 CE and relieved Asia with a five-year tax remission following an earthquake in 17 CE.⁶³ Periods of transition were ideal for petitioning rulers for tax exemptions regardless of their current rate, and cannot be used to prove high taxation without corroboration.

Ultimately, we have no way of quantitatively gauging whether taxes were higher after 6 CE than they were under Herod and Archelaus. What matters more is that the return to direct forms of Roman taxation may have provoked resentment regardless of whether or how much taxes actually increased, for taxation was incessantly burdensome.⁶⁴ As in Egypt, the change may have hardly affected, or even reduced, the sum total of tax exaction. Rome, however, suddenly became the ruling authority for taxation while Palestine's local elites became Rome's provincial attachés in the making of economic inequality.

The best information we have for the rates of the land tribute, head tax, and related dues in Early Roman Palestine comes from 47–44 BCE (when the land tribute may have been 10.7 percent annually) and comparative data from other provinces.⁶⁵ On average, Roman Egypt paid land tributes at a rate of about 25 percent, but 28 percent if the usual supplements to the land tribute are included.⁶⁶ The Egyptian tributes might be considered higher than was typical in other provinces, but how much higher is indeterminable because hardly a modicum of the immense tax data from Egyptian papyri has survived from another province.

Even for Egypt, such averages can be misleading, however, since they do not take into account the variation in tax rates based on the legal categorization of the land. Thus, tenants on types of public land in Egypt paid an average of 46 percent for the land tribute (although this was akin to their rent and taxation combined). Owners of private land and their

⁶³ Tacitus, *Ann.* 1.76; 2.47. Cf. Tacitus, *Ann.* 4.13; Dio Cassius 57.17.7–8. See Udoh 2005, 242; Goodman 1996, 752.

⁶⁴ By analogy, the Theban revolt in Egypt between 30 and 26 BCE is usually understood, based on Strabo, *Geogr.* 17.1.53, as a peasant uprising against the Roman imposition of the poll-tax, but Monson (2014a, esp. 129 and 152 on the revolt) has shown that taxation did not increase as a result of Roman annexation (see below). Thus, the Theban revolt may have been instigated only by discontent over becoming subjects of Rome or the new opportunity to resist repressive economic structures. However, the revolt may have been further fueled by the earthquake of 26 BCE (Strabo, *Geogr.* 17.1.46), which disrupted agricultural production and resource circulation and thus would have had an immense impact on the daily lives of provincials (Manning 2003, 166, 170 n. 197).

⁶⁵ Contra E. Sanders (1992, 157–69), among others, who takes the 12.5% land tax as the standard for the Early Roman period.

⁶⁶ Duncan-Jones 1994, 48 (on supplements to the land tribute), 55. See also Duncan-Jones 1990, 189–94.

sharecropping tenants paid an average of 14 percent – a cost that translated to higher rents for fixed-rate tenants and lower wages for hired laborers on private estates.⁶⁷ As discussed in the [previous chapter](#), the majority proportion of Palestine’s land shifted towards private land in the Early Roman period. For a point of comparison, Roman Egypt consisted of 66 percent private land and 34 percent public land, although these proportions varied by region.⁶⁸

There was also considerable geographic variation in land tax rates within the province as well as “privileged rates” available to certain elite landowners.⁶⁹ District residence and certain status variables (e.g., citizenship, priesthood, and official capacities in nome capitals) also affected poll-taxes in Egypt, with rates ranging from 8 to 44 drachmae per male aged 14–62. This works out to an average of about 20 drachmae,⁷⁰ or 5 denarii (since four Egyptian drachmae = 1 denarius).⁷¹ An average poll-tax rate of 5 denarii is quite a bit more than the 1 denarius sometimes projected as Palestine’s annual capitation tribute rate by New Testament scholars. This indefensible rate is based only on the Markan Jesus’s deployment of the emperor’s face on the obverse of a denarius to convey indirectly to the Pharisees and Herodians that he supported paying taxes (Mark 12:13–17).⁷² Furthermore, E.P. Sanders’s argument that the Roman and Herodian direct taxes took the cost of tithes into account is difficult to substantiate because the direct beneficiaries of the two systems were different.⁷³ I contend that these Egyptian tribute and head tax rates, with all of their variability, should be considered similar to the rates in Palestine under direct Roman rule in lieu of evidence to the contrary.

Andrew Monson has shown that Roman administrative and fiscal institutions in Egypt incorporated and systematized the Ptolemaic census and taxation institutions. In this way, Monson has stressed continuity (or path

⁶⁷ These calculations are based on Duncan-Jones’s (1994) estimates of a median production of 9 artabas per aroura (55) and the average land tax rates of 4.13 artabas per aroura on public land and 1.29 artabas per aroura on private land (48–9). Thus, $4.13/9 =$ approximately 46% and $1.29/9 =$ approximately 14%.

⁶⁸ Duncan-Jones 1994, 48; Monson 2012, 97, fig. 3.4. As is well known, the documentary evidence suggests that there was more public land than private land in the Arsinoite nome, contrary to the norm throughout the rest of Egypt.

⁶⁹ See, e.g., Duncan-Jones 1994, 52, tab. 4.5 on poll-tax rates varying by region and privileged or unprivileged statuses. Cf. Jördens 2012b.

⁷⁰ Rathbone 1993, 87; Duncan-Jones 1994, 51–2.

⁷¹ Duncan-Jones 1994, 90–1.

⁷² Cf. Matt 22:15–22; Luke 20:20–6. See Schalit 2001, 272; Applebaum 1977, 373; Fiensy 1991, 101; Stegemann and Stegemann 1999, 117; K. Hanson and Oakman 2008, 106.

⁷³ E. Sanders 1992, 157–69.

dependence) as a corrective to the scholarly consensus that Rome imposed on Egypt an entirely new system.⁷⁴ There were certain changes, such as the standardization of rates and administrative functions as well as the issuing of receipts, but Monson has argued that the Roman system was deliberately built upon the earlier Ptolemaic taxation structure. The poll-tax known in Greek as the *laographia* (technically “census,” but often used metonymically for the related poll-tax) is usually considered an Augustan innovation. Yet, it is better understood as a standardization of a number of more diverse Ptolemaic capitation taxes irregularly assessed by censuses, such as the *laographia*-assessed *syntaxis* and *epistatikon* taxes in papyri from Thegonis, the *sitōnion* tax in documents from Herakleopolis, and the *syntaxis*, *sitōnion*, *epistatikon*, and other unspecified taxes in the Karanis ostraca.⁷⁵ This whole range of taxes was subsumed under the Roman *laographia*.

Monson’s quantitative analysis shows that the Roman poll-tax involved either the same or less of a financial burden than the Ptolemaic capitation taxes, depending on where a person was from.⁷⁶ If anything, the Roman poll-tax protected non-elites from certain abusive exactions possible because of the lack of regulation in the Ptolemaic tax administration. A similar transition may have characterized the incremental inception of direct rule in Palestine in the first century CE, with the comprehensive and

⁷⁴ Monson 2014a; 2014b. See also Claytor and Bagnall 2015, 643. For an earlier version of this argument for continuity, see Wallace 1938, 116–69, esp. 116: “In my opinion the *λαογραφία* was imposed in the seventh year of the reign of Augustus as a reform of the poll-tax collected under the Ptolemies which was called *σύνταξις*.”

⁷⁵ Monson (2014a, 128) offers the following definition of capitation tax: “The main characteristic of any capitation tax is that it is levied on persons at a standard rate, independently of their income, property, consumption, or occupation, and typically according to some kind of census.” Especially important for his thesis is the use of the term *λαογραφία* (which has traditionally been understood as an entirely new Augustan poll-tax) for local Ptolemaic censuses used to collect capitation taxes in Thegonis in 61 BCE (possibly 94 BCE): *P. Tebt.* 103; 121; 189. Though more difficult to contextualize, *P.Ryl.* 667, possibly from the second century BCE, is the earliest known *λαογραφία* receipt. In Keddie 2016, I have used Monson’s analysis of these materials to argue that 3 Maccabees should not be dated to the Augustan era on the basis of its reference to a *λαογραφία* (2:28), but rather to the late Ptolemaic period.

⁷⁶ Monson 2014a, 156–8. The Herakleopolite nome is one region in which it is clear that the rate of the Roman poll-tax was lower than that of the capitation taxes under Cleopatra VII. See also Garnsey 1988, 245: “Tax-rates no doubt varied according to, among other things, land use and soil productivity. But local traditions also played a part, and these were by no means swept aside by the Romans. This means in practical terms both that existing taxation systems, where available, were taken over without significant alteration, and that rates of taxation were maintained at a stable, relatively low, level.”

regular direct Roman taxes supplanting less regular, but perhaps equally or more exacting, Herodian direct taxes.

Indirect Taxes

Many scholars have tended to ignore the role of Palestine's elites in taxation by relegating the impact of indirect taxes (Lat. *vectigalia*) such as tolls and customs duties on goods transported, sold, and purchased (Lat. *portoria*).⁷⁷ These taxes are considered indirect because they were not applied at a standard rate or time to much or all of the population like direct taxes but were variously levied by Rome, the client-kingdoms, cities, and toparchies and thus did not always have the same beneficiary. Typically paid in cash at a rate of 2.5 to 5 percent (but occasionally soaring as high as 25 percent),⁷⁸ these taxes were also overseen by local elites and were exacted primarily at harbors, toll stations on roads, and markets. Various sales taxes would have had a more pervasive impact on daily life in city markets and at village fairs.

Udoh has issued an important corrective, arguing that indirect taxes were the primary source of revenue in Herod's kingdom and provincial Judaea.⁷⁹ As such, these forms of taxation would have been a significant generator of inequality. Unfortunately, we are even more poorly informed about indirect taxes than direct taxes. Nevertheless, it is useful to assemble the disparate clues in literary and material sources to determine how tolls and duties affected economic relations between elites and non-elites.

Udoh has identified the harbors of the maritime cities and the roads that connected to them as major infrastructural generators of commerce and revenue that Herod developed extensively.⁸⁰ As noted, when Julius Caesar returned Joppa to Judaea in 47 BCE, he charged Hyrcanus II a special tribute to cover taxes on the harbor and exports.⁸¹ From an early moment in Rome's interaction with Palestine, then, maritime trade was singled out as a crucial locus of taxation. Herod's refounding of Strato's Tower as Caesarea

⁷⁷ On indirect taxes, see Duncan-Jones 1990, 194–6; Cagnat 1882; Wallace 1938, 255–76; De Laet 1949; Sijpesteijn 1987; France 2001; Bang 2008, 202–38. This section focuses on transit tolls, customs duties, and (to a lesser degree) sales taxes. There was an array of other types of indirect taxes (e.g., inheritance tax, manumission tax) that are not discussed here because they were not as frequent and widespread as exactions and we have little evidence of them from Palestine.

⁷⁸ Duncan-Jones 1990, 194; Bang 2008, 226.

⁷⁹ Udoh 2005, 171–7, 238–9.

⁸⁰ Udoh 2005, 171–5.

⁸¹ Josephus, A.J. 14:206: παρὰ ... λιμένος ἑξαγωγίου.

Maritima made it one of the most active harbors on the Levantine coast, while the other maritime cities continued to function as well. Notably, these coastal cities connected Palestine and the East to the wider empire through an extensive network of roads.⁸² The *via maris*, which followed the coastline, linked Palestine's maritime cities to Syria and Egypt, while Gaza was a hub for a major road to Arabia – a road whose tolls even Pliny the Elder deemed absurdly high.⁸³ Other roads connected Jerusalem, Samaria-Sebaste, and the Galilean and Decapolis cities to the coastal highway. The indirect taxes exacted for using harbors and roads caused merchants to raise prices on goods and thus affected anyone involved in production, shipping, and marketing.

Although most of these roads were paved only in the second century CE, they were essential thoroughfares for trade and commerce that made urban development possible. Those transporting goods on these roads would have been required to pay tolls and duties at designated toll points and city gates, in particular, but they were also often assessed upon entering a new tax district (toparchy) or province. Tax rates on transport ranged from 2 percent for crossing districts up to the standard 25 percent tax (Gk. *tetartē*) for transporting goods across the frontier, although exact rates for Palestine cannot be determined.⁸⁴ Consequently, the constantly changing borders of toparchies and tetrarchies that characterized the Early Roman period in Palestine resulted not only in changes to taxation and administration for persons relocated into a new district but also tax changes for those transporting goods on roads that did not previously cross administrative borders. A growing number of inscribed boundary stones discovered in Palestine

⁸² See the maps accompanying Tsafirir et al. 1994, but note that the development of these roads by the Romans only began in earnest after the First Revolt and through the second century CE. The earliest known milestone dates to 69 CE and comes from the Scythopolis–Caesarea Maritima road (Tsafirir et al. 1994, 21–2, with additional references; Isaac 1998, 36–69). Many of these roads must have already been busy thoroughfares prior to this time, however. For instance, Z. Safrai (1994, 274–90 at 274) maintains that the road that connected Jerusalem to Emmaus, then to Lod, and ultimately to the coastal road, was first constructed by Herod.

⁸³ Pliny the Elder, *Nat.* 12.63–5. See Udoh 2005, 172–5; de Laet 1949, 333–4. See also Bowersock 1983, 15–27. France (2001, 346) has argued that toll stations were set up in Syria and Judaea only where crossing was necessary. This was unlike Gaul, where there was a string of toll stations (*quadragesima galliarum*), and Asia, where such a string encircled the customs district.

⁸⁴ Sijpesteijn 1987, 5; Duncan-Jones 1990, 194. Though later than our period, *AE* 1947, 179 (161 CE) and *AE* 1947, 180 (174 CE) attest to a 25% toll for entering Syria at the Parthian border (de Laet 1949, 335–6).

confirm the administrative significance of district borders, and therefore also changes to them.⁸⁵

Customs duties were not a novelty in Roman Palestine. One of the Zenon papyri enumerates taxes exacted by the Ptolemaic kingdom at Pelusium for goods shipped through Palestine to Egypt in 259 BCE, most of which originated in various locales around the Aegean. According to this account, certain items were taxed at 50 percent (grape syrup, filtered wine, ordinary wine, white oil), others at 33.5 percent (Chian wine, Thasian wine, dried figs), others at 25 percent (Chian cheese, fish, wild boar meat, goat meat, Samian earth, Pontic and “hard” nuts, pomegranate seeds, sponges, honey), and wool alone was taxed at 20 percent.⁸⁶ Such high indirect taxes on commercial exchanges were typical of the Ptolemaic and Seleucid kingdoms of which Palestine was a part, and presumably of the Hasmonean kingdom as well.

Aside from the harbor tax levied from Hyrcanus II at Joppa, the best evidence of duties in the Early Roman period comes from two acts of remission.⁸⁷ First, when Archelaus received lesser Judaea as part of his ethnarchy in 4 BCE, Josephus reports in *B.J.* 2:4 that, “Delighted at these professions, the multitude at once proceeded to test his intentions by making large demands. One party clamored for a reduction of the taxes (*eisphoras*), another for the abolition of the duties (*telē*), a third for the liberation of the prisoners. To all these requests, in his desire to ingratiate himself with the people, he readily assented.” The account in *A.J.* 17:204–5 differs slightly,

⁸⁵ Of particular importance are the inscribed “boundary of Gezer” (תחם גזר) stones, which encircled Gezer, distinguishing the city from what were apparently private estates around it. The precise reason for these stones, which probably date to the Early Roman period (but could be late Hasmonean), is unclear. Regardless of what additional purposes they served, however, they clearly demarcated the boundaries of a taxation district. See Reich and Greenhut 2002, with references to the earlier publications on the stones and the debate over their dating and purpose. About forty inscribed stones marking administrative and property boundaries ca. 295–305 CE have also been discovered in the Huleh Valley, Golan, Syrian limestone massif, Auranitis, and Batanaea (Syon and Hartal 2003). L. White (1991) has detected clues in the Gospel of Matthew that it was just such shifting tax boundaries that constituted the social context for this gospel’s earliest audience in the Upper Galilee or just north of there in the final decades of the first century CE.

⁸⁶ *P.Cair.Zen.* 59012 (259 BCE). Cf. the charter of Antiochus III in Josephus, *A.J.* 12:191, which offers exemptions on transit taxes for wood imported for the construction of the Jerusalem Temple. See further de Laet 1949, 299; Sijpesteijn 1987, 1–4.

⁸⁷ To this list, we could add the remission of the house tax by Agrippa I (*A.J.* 19:299). As discussed above, however, this was probably a Roman capitation tax. Josephus casts its remission not as a temporary exemption or discount on taxes on commerce, but rather as part of Agrippa’s reorganization of taxation and administration in concert with his transformation of the province back into a client-kingdom. On sales taxes in Palestine, see further Udoh 2005, 175–7.

replacing “taxes” (*eisphoras*) with “annual taxes” (*eisphoras has eniausious pheroien*), denoting capitation taxes in particular in concert with Josephus’s use of *eisphora* elsewhere.⁸⁸ The A.J. version also clarifies “duties” (*telē*) as “taxes that had been levied upon public purchases and sales and had been ruthlessly exacted” (*tōn telōn ha epi prasesin ē ōnais dēmosiais epeballeto prassomena pikrōs*). The adverb *pikrōs* (“ruthlessly,” “bitterly”) here has been used to support the idea of not only economically repressive but also physically aggressive tax collection under Herod; yet, it is absent in the earlier version and divulges Josephus’s movement towards a more critical position on Herod in A.J.⁸⁹ Although the request for remission alone cannot be used to gauge the severity of taxes under Herod, it does reliably announce that Herod taxed duties on goods exchanged.

Udoh has argued on the basis of these passages that Archelaus remitted all of the former duties on goods exchanged for the course of his reign, but this is unlikely. B.J. only claims that Archelaus “readily assented,” while A.J. reports that Archelaus “made no opposition.” Josephus does not indicate whether Archelaus actually enacted the remissions, how much he remitted, or for how long.⁹⁰ There is no evidence that Archelaus removed all duties, but he may have relieved some for a short time in Jerusalem to appease the multitude upon his accession.

The second reported remission of duties was ordered by Lucius Vitellius, the legate of Syria, around 37 CE: “Vitellius, on reaching Judaea, went up to Jerusalem, where the Jews were celebrating their traditional feast called the Passover. Having been received in magnificent fashion, Vitellius remitted to the inhabitants of the city all taxes on the sale of agricultural produce (*ta telē tōn ōnoumenōn karpōn*).”⁹¹ According to Udoh, Vitellius’s remission is proof that the Roman prefects of Judaea reinstituted the duties that Archelaus relieved.⁹² Indeed, this is best understood as an action comparable to Archelaus’s, but not as proof of periods of tax leniency in contrast to the period between 6 and 37 CE. Josephus only records that Vitellius remitted taxes on commerce involving fruits, only in Jerusalem, and only for a limited period of time. Vitellius’s remission was almost certainly only for the duration of the Passover festival, since tax exemptions during

⁸⁸ On Josephus’s use of εἰσφορά, see n. 30 in this chapter.

⁸⁹ E.g., Arnal 2001, 145. On Josephus portraying Herod and the Herodians more negatively in A.J. than in B.J., see S. Schwartz 1990; T. Landau 2006.

⁹⁰ Udoh (2005, 176) admits that Josephus does not state whether Archelaus actually removed them after he returned from Rome, but he nevertheless finds it likely that he did and that this remission lasted until Archelaus was banished in 6 CE.

⁹¹ Josephus, A.J. 18:90.

⁹² Udoh 2005, 176, 238.

festivals were frequently offered by provincial authorities.⁹³ Archelaus probably did something similar. These reports of remissions demonstrate that duties levied on commerce were a dramatic imposition in the Early Roman period, just as they were during the Hellenistic period. Nevertheless, they were occasional initiatives that betray no specific details about major fluctuations in tax rates.

Inscriptions and documents from other eastern provinces illuminate the range of types and rates as well as the regularity of indirect taxes that were also exacted in Palestine. One bilingual (Greek/Palmyrene) tax law inscription from the province of Syria is particularly useful.⁹⁴ Although issued by the *boulē* of Hadrianic Palmyra in 137 CE, it also preserves as part of an organic whole the agglomeration of the “old law” issued by Gaius Licinius Mucianus, the Syrian legate from 69–70 CE, and other first-century CE governors, as well as a brief rescript of Germanicus Caesar from 17–19 CE.⁹⁵ The fragmentary and redacted “old law” of Mucianus, standardizing the types of duties levied in the mid first century CE, included taxes on slaves, Italian wool, unguent, animals for slaughter, pine cones and similar produce, camels, bronze statues, and salt. The new law of the Hadrianic period fixed many rates that may have previously been unregulated (see [Appendix C](#)).

In the sections of the new law that are fragmentary in both the Greek and Palmyrene versions, references to horses (?), mules, and sheep are legible, as well as a monthly tax on the sale of olive oil.⁹⁶ This exhaustive list underscores the ubiquity of taxation on transport and sales in the city, simultaneously elucidating Vitellius’s Passover remission of taxes on fruits as menial and the idea that Archelaus would remit all of such a profitable list of taxes as untenable. Because these taxes covered virtually all goods imported, exported, and sold, from subsistence staples like wheat to luxury items such as bronze statues, provisions for these tolls and duties affected, directly or indirectly, everyone involved in commerce, agricultural production, manufacturing, and specialized industries.

The Palmyra tax law inscription raises questions about the economic relations that these indirect forms of taxation facilitated. Notably, the

⁹³ E.g., *SEG* XXXVIII 1462 (Oinoanda, Lycia, 124–5/126 CE). See de Ligt 1993, 229–34, appendices I.C and II.C (listing examples of festive ἀπέλεια).

⁹⁴ *OGIS* II 629; *CIS* II 3913; *IGRR* III: 1056; *TSSI* IV: 37. For the English translation followed here and an insightful discussion of the inscription in its historical context, see Matthews 1984. For the Greek and Palmyrene texts and a thorough commentary, see Shifman 2014. See also Teixidor 1984.

⁹⁵ Matthews 1984, 161.

⁹⁶ Matthews 1984, 177.

Palmyra regulations were administered by the city's *boulē* (Pal. *bwl'*), not the imperial center or its fiscal agents.⁹⁷ Provincial governors played some part in legal oversight, as is evident in the "old law," but tolls, duties, and sales taxes were still administered by the civic administration. Although Palmyra was renowned as a trade hub where the "Silk Road" split towards Egypt to the south and Asia Minor to the west, John Matthews has demonstrated that the taxes in the inscription are all of a local, municipal variety, but with clear implications for caravans moving through the city.⁹⁸ These caravans would have faced additional imperial tolls upon entering Syria.

Peter Bang rightly observes that, "Roman hegemony did not lead to the creation of a single customs regime. The central state only partially controlled the exaction of tolls."⁹⁹ Instead, one finds considerable variation throughout the provinces in the administration of indirect taxes. Like the Palmyra tax law, an inscription from Myra in Lycia (120s CE) records municipal taxes at a rate of 2.5 percent on any goods imported to, sold in, and/or exported from the city.¹⁰⁰ That the civic administration contributed 7,000 denarii of the revenue from these tolls and duties annually to the *koinon* of Lycia shows that some revenue from indirect taxes might move from cities to the provincial administration, though not to Rome.¹⁰¹ Thus, much indirect taxation was administered at the municipal level in cities or other district centers (e.g., toparchy capitals).

Rome, however, also administered some indirect taxes. Unlike how Julius Caesar only sought remuneration at a fixed rate from Hyrcanus II for maritime commerce in Joppa, the imperial administration often intervened more invasively in provincial indirect taxation during the Principate. In Ephesos, for instance, local donors established a Customs House near the harbor where imperial slaves or other tax-farmers collected tolls and duties for Rome. Steven Friesen has observed that its dedicatory inscription (54–9 CE) devotes the Customs House to the imperial family and the city of Rome but does not refer to any Ephesian officials, suggesting that it "went beyond Ephesian taxation."¹⁰² Another Ephesian inscription, the *lex*

⁹⁷ Matthews 1984, 172, pointing out that the council's law is distinct from Roman *portoria* levied at the eastern frontier. See also Udoh 2005, 232; Bang 2008, 224. See also AE 179 (161 CE) for a decurion who was the collector of the τετάρτη in Syrian Antioch (De Laet 1949, 335). Zuiderhoek (2009, 48) calls attention to SEG XIV 639 (Kaunos in Caria, Hadrianic) as further evidence of the involvement of local elites in municipal taxation.

⁹⁸ Matthews 1984, 172. On the integration of Palmyra's merchants in trade networks throughout the Mediterranean, see Schörle 2017.

⁹⁹ Bang 2008, 224–5.

¹⁰⁰ Wörle 1975, 287; Schwarz 2001.

¹⁰¹ Zuiderhoek 2009, 48.

¹⁰² IyE Ia 20 = SEG XXXIX 1211. See Friesen forthcoming.

portorii Asiae (Asian customs law) of 62 CE, even specifies that the province should establish stations for indirect taxes at the harbor, on the coast, and “around the boundaries of the province (*peri tous eleutheroous horous*).”¹⁰³ Whereas municipal taxation in the Palmyra inscription involved taxes for goods entering or exiting the boundaries of the city’s region and being exchanged within the city, the Ephesian inscriptions show that the *loci* of imperial indirect taxation were primarily provincial boundaries, and especially harbors.

We should expect a similar situation in Palestine, with Rome taxing the boundaries of the province and civic and toparchic authorities taxing local boundaries, roads, and markets. Even in Herod’s kingdom, it is difficult to imagine that Rome did not levy taxes on, for instance, the harbor at Caesarea Maritima, Herod’s monument to Augustus. Despite Nabataea being a client-kingdom in the first century, Rome still collected a 25 percent duty (*tetartē*) on goods entering the kingdom from the port at Leuke Kome.¹⁰⁴ Unlike Nabataea, however, Palestine’s ports and borders were not situated on the frontier. Rome presumably still collected duties at Caesarea Maritima and Joppa, but at a lower rate than at the empire’s eastern limits.¹⁰⁵ The precise relationship between municipal and imperial forms of indirect taxation remains elusive, but there can be little doubt that both took a toll on those involved in commerce in Early Roman Palestine.

The loosely regulated structure of indirect municipal taxes enabled local elites to gain wealth and assert power over non-elites even more than direct imperial taxation, but not without checks. The preface to the Palmyra law makes two points: first, that tax-farmers (*publicani*) were responsible for collecting tolls and duties; and second, that without attempts to standardize rates (e.g., the “new law,” and the “old law” of Mucianus), “it frequently happened that disputes arose on this matter between the merchants and the tax collectors” (I.a). Because tax-farmers decided rates of many tolls and dues without recourse to a written law, but by the standards of unwritten

¹⁰³ Ll. 32–5. The critical edition is Engelmann and Knibbe 1989, followed by AE 681 and SEG XXXIX 1180. For a more recent English translation along with the Greek and Latin texts and essays on the text and relevant topics, see Cottier et al. 2008. On the translation of τοὺς ἐλευθέρους ὁρους, literally “the free boundaries,” as “the boundaries of the province,” see Mitchell 2008, 173: “The ‘free boundaries’ of the province are best interpreted as boundaries with independent territories, to be distinguished from boundaries with other Roman provinces.” The magnitude of provincial indirect taxes is conveyed by Cicero’s claim that Asia’s customs payments were one of Rome’s most important sources of revenue (*Agr.* 2.80).

¹⁰⁴ *Periplus Maris Erythraei* 19; Strabo, *Geogr.* 16.4.23–4. See Sijpesteijn 1987, 4–6; Young 1997; Sartre 2005, 257; Terpstra 2015. Cf. Schalit 2001, 293.

¹⁰⁵ Sartre 2005, 257.

law, or convention, civic officials often had to step in to fix rates. The painstaking precision of the Palmyra tariff, then, is a response of the *boulē* to abuses by tax-farmers and complaints by merchants.

Without clear directions, customs duties levied at places other than frontier stations were often imposed at a fixed percentage between 2 and 5 percent, which gave the *publicani* discretionary power in assessing the value of goods.¹⁰⁶ Sigfried de Laet has found that Egyptian documents divulge an additional strategy *publicani* used to enhance their income: assessing administrative fees. An account from Memphis records 44 drachmae for customs duties and then an additional 47 drachmae for administrative charges, which the documents variously designate by categories such as “examination dues,” “administration,” and “exchange.”¹⁰⁷

While the institutional structure of indirect taxes favored those local elites involved in tax-farming, it also did not entirely quash the agency of non-elites participating in exchange, whether subsistence farmers or more economically stable merchants. Because the *publicani* relied to a certain degree on continued relationships with their clients for their income and the vitality of commerce as a guarantee of their positions, merchants had a degree of bargaining power. For instance, some merchants who frequented a customs station would be allowed to postpone their payment until after they returned from selling their goods.¹⁰⁸ The Palmyra tax law implies that merchants could also appeal to city officials to dispute unjust charges, and by the mid first century CE, we find civic councils and emperors alike attempting, if only to their own advantage, to mitigate abuses by fixing rates, restricting surcharges, and generally lowering transaction costs and economic uncertainty.¹⁰⁹ It was this administrative security, as well as the protection of transport, that customers were supposed to receive in return for their taxes, but rarely did.¹¹⁰ By pursuing trade and commerce to sustain their incomes, customers became complicit agents in the loosely regulated institutional structure of taxation that empowered local elites.

Indirect taxes complicate simplistic models of Roman taxation and its effects on the Judean and non-Judean populations of Palestine. Although

¹⁰⁶ Bang 2008, 205.

¹⁰⁷ P.Oxy. 1650 (75–125 CE). Cf. SB IV 7365 (104 CE); P.Oxy. 1651 (third century CE). See de Laet 1949, 317–21; Sijpesteijn 1987, 22, 96; Bang 2008, 206.

¹⁰⁸ Bang 2008, 227, referencing Dig. 39.4.16.12 (Marcian) on the possibility of postponing a customs payment. See also Sijpesteijn 1987, 44, on a loophole sometimes utilized in Egypt to avoid making a double payment for the same goods (upon exiting and entering).

¹⁰⁹ E.g., Tacitus, *Ann.* 13.50–1 on Nero’s reforms to impede the abuses of *publicani*. See Rathbone 2008.

¹¹⁰ Bang 2008, 229–38.

Rome tended to impose imperial tolls and customs duties at provincial boundaries and harbors, many indirect taxes affecting the daily lives of merchants, customers, shippers, and producers were levied either by magistrates in *poleis* or the administrative officials of toparchies. Although entrenched in the broader inequality-facilitating institutional structure of taxation, indirect taxes were less regular than the Roman tributes and were therefore more easily abused by *publicani*.

Elites, Indirect Taxes, and Market Oversight

In Palestine, as elsewhere in the provinces, the *publicani* who took out contracts for farming indirect taxes were local elites. Gabinus and Caesar, it turns out, did not rid Palestine of *publicani*. While complex organizations of *publicani* were no longer in charge of direct taxation on behalf of the empire, some local elites emerged as *publicani* of indirect taxes.¹¹¹ They usually dispatched networks of slaves or hired personnel to assist in collection. In Judaeian contexts, and Jerusalem in particular, these local elites were often members of the high priestly families – men who bolstered their income and social standing through civic positions that raised their status and gave them considerable power over the economic activities of non-elites. This section examines the positions of elites as administrators of indirect taxes as well as their involvement in related forms of market oversight in cities.

John Donahue issued a significant rejoinder to earlier scholarship by arguing that the men known in Greek as *telōnai* (“tax collectors”) in the New Testament were not collectors of direct taxes for Rome, but toll collectors. They were, more precisely, *publicani* and/or their scribes (*grammateis*) and other agents.¹¹² In Mark 2:14, the *telōnēs* Levi son of Alphaeus is even sitting at a Capernaum toll station (*telōnion*) near the lake when Jesus calls him.¹¹³ The Galilean *telōnai* in the New Testament, all of whom

¹¹¹ Nijf 2008. Note that the collectors of *vectigalia* for Rome in the provinces were usually slaves or freedmen in the Early Roman period, while local elites were more typically involved in municipal and toparchic forms of indirect taxation.

¹¹² Donahue 1971. See also de Laet 1949, 342–4; Udoh 2005, 239. Other than *τελώνης*, Nijf (2008, 285) notes that the loose terminology for indirect tax-farmer sometimes included *δημοσιῶνης* or *ἐπίτροπος*. See also Sijpesteijn 1987, 91–101 on personnel of customs-houses, which usually included *γραμματεῖς* in Egypt.

¹¹³ Cf. Luke 5:27; Matt 9:9 (where Levi is replaced by Matthew). Theissen and Merz (1996, 166) have argued that there was a toll station in Capernaum because it was, in Jesus’s time, on the “frontier” between the tetrarchies of Antipas and Philip. They consider this observation as support that “the tradition of the call of a toll-collector in Capernaum goes back to the earliest period.” This is an intriguing hypothesis, but, on the one hand, we cannot be sure that Capernaum would have collected tolls for passing into Antipas’s

were presumably Judaeans, collected indirect taxes on local commerce and transport, and particularly on sales and exchanges at village fairs or the markets at Magdala, Sepphoris, Tiberias,¹¹⁴ on the fishing industry and use of harbors around the lake,¹¹⁵ or on transport across district boundaries.

Such Galilean *telōnai* would have been at least stable beyond subsistence, but perhaps are better understood as local elites in such instances as these men were the contractors and not just their personnel. Surely, those who took out tax-farming contracts in cities and toparchy capitals amassed enough wealth and obtained enough clients to have some political power. Regardless of his historicity, Zacchaeus in Luke 19:1–10 is portrayed as a rich “chief tax collector” (*architelōnēs*) at the toparchy capital of Jericho.

At the outbreak of the First Revolt, Josephus recounts the actions of a similarly wealthy *telōnēs* named John in Caesarea Maritima (*B.J.* 2:287–92). John was a *publicanus*, and probably one who contracted civic rather than imperial taxes, although the latter cannot be ruled out. He is described as one of the powerful leaders of the Judaeans (*hoi dunatoi tōn Ioudaiōn*) in Caesarea and is credited with bribing the procurator Florus with the incredible sum of eight talents. He did this to hinder a construction project allegedly initiated in order to make synagogue gatherings more difficult for Judaeans. This, according to Josephus, was a smokescreen for giving the Judaeans license to use force against Greeks (also called “Syrians”) in the city.¹¹⁶ Josephan hyperbole and bias aside, John the *telōnēs/publicanus* appears as a wealthy and politically powerful local elite.

kingdom instead of another village. On the other hand, Capernaum could have had an office for indirect taxes for purposes other than taxing the border between the tetrarchies. For instance, if historical, it could have administered taxes on transport and fishing that employed the harbor there.

¹¹⁴ On village fairs and urban markets in (Middle) Roman Palestine, see Rosenfeld and Menirav 2005; Sperber 1998, 9–47.

¹¹⁵ Kloppenborg 2018 is now the most nuanced and comprehensive treatment of the Galilean fishing economy. K. Hanson’s 1997 study remains influential, but his tribute-driven model for Antipas’s Galilee should be complicated on the basis of the discussion above. This reservation aside, Hanson is correct that fishing was a heavily taxed industry, and Kloppenborg has corroborated this claim with documentary evidence from Egypt. See also Hakola 2017 and Bauckham 2018a, with specific reference to the fishing industry in Magdala. According to Marzano (2013, 241), “In the Roman period, this tax on fish and/or gains from fishing was, in all likelihood, levied under the category of importation taxes and was farmed by the *publicani*.” See Marzano 2013, 235–51 for a thorough discussion of the evidence from across the empire for taxes on various aspects of fishing. See also Batten 2017 for a discussion of ways that the gospels use fish and fishing to convey social distinctions.

¹¹⁶ Andrade 2010 addresses the ethnic and civic conflicts in Caesarea surrounding this episode.

Archaeological evidence of scale weights may shed further light on the power of local elites over the institutions of indirect taxation. As artifacts of a very ancient method of determining the value of an item on a scale, these weights facilitated commercial activity.¹¹⁷ To use the language of NIE, they were used to mitigate economic uncertainty by revealing and regulating information about the weight of an item, thereby reducing one type of transaction cost. In the cities of the Roman East, scale weights were usually manufactured of lead using molds. Official weights utilized for calibrating and policing any unofficial weights used in the markets were typically inscribed or cast with the year of the reign of the current client-king or emperor and the name of the city's *agoranomos*, or market overseer, as was the case with lead weights from Tiberias, Magdala, and the coastal cities.¹¹⁸

Agoranomoi were local elites responsible, first and foremost, for guaranteeing proper weights and measures by overseeing their calibration. Their networks of personnel were also often responsible for inspecting the quality of market goods, assuring adequate supplies to suit the city's demand, maintaining some degree of control over imports, determining values, and controlling prices.¹¹⁹ Judaeen local elites could serve as *agoranomoi*, and this position might have proved a worthwhile launchpad for a political career. Serving as *agoranomos* at Tiberias ca. 29–32 CE, for instance, enabled Herod Agrippa I to reinvigorate his political career while accumulating some wealth.¹²⁰ The *agoranomos* was a separate position than the *telōnēs/publicanus*, but the two typically worked together to regulate the economic activity of the markets. *Agoranomoi* and *telōnai/publicani* were local elites of similar power and means.

¹¹⁷ For an introduction to ancient scale weights, see Hendin and Qedar 2007. On stone weights from Iron Age Judah, see Kletter 1998.

¹¹⁸ Tiberias: Qedar 1986–7, 29–35; Kushnir-Stein 2002; Magdala: Qedar 1986–7, 30–3; Kushnir-Stein 2002: 295–7; Caesarea Maritima: *CIIP* II 1725–9; Joppa: *CIIP* III 2259 (three limestone molds with inscriptions in depressions); unprovenanced, but manufactured in Gaza: *CIIP* III 2593–5.

¹¹⁹ For a clear exposition of duties, see *IG* II.2 1013 (late second century BCE, Athens). See further Bresson 2016, 246–9; Dmitriev 2005, 257; and the essays in Capdetrey and Hasenohr 2012. About the ἀγοράνομος in Judaeen (especially rabbinic) literature, see Manns 1984, 41–8; Z. Safrai 1994, 58–60; Sperber 1998, 32–9; Rosenfeld and Menirav 2005, 19–20. See also Josephus, *C. Ap.* 2:216 on being liable for punishment for not keeping honest weights and measures – a stricter view than that in Lev 19:35–6 and Deut 25:13–15 (G. Gardner 2003, 31). It is unlikely that ἀγοράνομοι in Palestine, who are always related to markets in the sources, also supervised the cession, sale, or mortgage of private property as they did in Egypt (see Benaissa 2009).

¹²⁰ Josephus, *A.J.* 18:147–50. See D. Schwartz 1990, 46–9.

Material traces of market oversight illuminate the economic position and power of *telōnai/publicani* in Early Roman Palestine, even though we do not have archaeological evidence of their specific involvement in the collection of customs duties. In this regard, the large quantity of stone (as opposed to lead) scale weights – 525 and counting – discovered in Judean contexts deserves attention. Of these, 176 were unearthed in the Jewish Quarter excavations in Jerusalem, about 200 have been found along the southern and southwestern walls of the Temple Mount, nearly 50 were from the “Lower City” of Jerusalem, and the remainder were discovered elsewhere in Palestine (mostly in Jerusalem’s environs), or are unprovenanced.¹²¹ These weights first appeared around 20 BCE, right when urban development stimulated the stone industry, and were only used until 70 CE.¹²²

Nahman Avigad originally argued, on the basis of the considerable number of weights in the Jewish Quarter mansions and especially the Burnt House, that they were used by priests to weigh incense for the Temple ceremonies.¹²³ Ronny Reich has debunked this hypothesis.¹²⁴ Emphasizing their great quantity, distribution outside of the Jewish Quarter residential settings, and relatively ample mass (ranging from approximately 40 to 3,000 g, or 0.09 to 6.6 lbs each), Reich argued that they could not have served the narrow purpose of weighing such insubstantial goods. Followed by Joshua Schwartz, Reich proposed instead that these stone scale weights have something to do with priests weighing and separating the tithes that they received.¹²⁵

Reich and Schwartz allege that this theory finds support in the discovery of the Aramaic inscription “[Of] Bar Qathros” on a weight discovered in the Burnt House.¹²⁶ Another stone weight that is allegedly inscribed in Aramaic

¹²¹ Reich 2009. Cf. Reich 2006. For a single stone scale weight of the Jerusalem type found at Gamla, see Reich 2016. Like several of the Jerusalem weights from the third quarter of the first century CE, this weight was incised with a palm branch. Reich suggests that this is a symbol of an ἀγροσάναμος, presumably brought to Gamla from Jerusalem. Although less likely, it cannot be excluded, however, that the weight originated at Gamla.

¹²² Reich 2006, 371–3.

¹²³ Avigad 1983, 129–31.

¹²⁴ Reich 2006, 376–7; 2009, 181. Cf. J. Schwartz 2010, 313–14.

¹²⁵ Reich 2006, 376–7; 2009, 181; J. Schwartz 2010.

¹²⁶ CIIP I.1 674: [ד]בר קתרוס. See Avigad 1983, 130, fig. 128. Reich (2006, 350) maintains that a near-vertical incision overlooked by Avigad appears to be a *yod* so that the inscription would read דברי קתרוס, “of the sons of Qathros.” It is unclear that this incision was intentional, however, and it would make more sense for the singular בר to be used here as an indication of family affiliation. See further the discussion by Kushnir-Stein, Yardeni, and Price at CIIP I.1, pp. 666–7. As the editors note, a sherd from Masada (O.Masada 405) inscribed בת קתרא (“the daughter of Qathra”) may also refer to the Qathros family.

with the name Bar Qathros has recently been found in excavations beneath the Tiferet Yisrael synagogue in the Jewish Quarter, but its formal analysis has not yet been published.¹²⁷ Bar Qathros refers to one of the leading priestly families of the first century CE discussed above.¹²⁸ Moreover, the name Qathros should be identified with the formidable high priestly family with the surname Cantheras in Josephus.¹²⁹

These weights undoubtedly manifest elite oversight of some sort of economic process involving exchange. Tithing is a possibility, except that scale weights are typically used for market control – something Jerusalem would have required, especially during festivals. There is no reason to assume that these weights were not resources for market activity simply because they are stone. Since not a single lead scale weight has survived from Early Roman Jerusalem, the fact that they are stone does not warrant a special “religious” explanation, especially considering the appearance of several new stone products in exactly this timeframe.¹³⁰ Yet, their great quantity, the fact that they are often uninscribed, and the mixed domestic and commercial contexts in which they were discovered suggest that their function was not restricted to the physical settings of markets. Instead, these weights must have been used to measure commodities during production as well as distribution, which may have occurred not only in markets but also in residences.¹³¹ Since it is highly unlikely that Jerusalem’s consumers carried

On the names of the high priestly families becoming frozen as nicknames rather than operating as actual patronymics, see Bauckham 2012.

¹²⁷ For the story of the discovery along with photographs of the weight and excavations, see Mandelbaum 2016.

¹²⁸ T. Menah. 13:21 has the Hebrew בית קדרוס while the later parallel in b. Pesah. 57a has the Aramaic בית קתרוס.

¹²⁹ Josephus, *A.J.* 19:297, 313, 342; 20:16. The prosopography of the Qathros family is fraught with difficulties. For a balanced and cogent discussion of the evidence, see VanderKam 2004, 449–53. Cantheras (*A.J.* 19:297, 313; 20:16), probably the Latinization of Cithaerus (*A.J.* 19:342), is a surname associated with high priests named Simon and Elionaeus. Simon is also described as “son of Boethus” by Josephus (*A.J.* 19:297), and m. Parah 3:5 seems to describe Elionaeus as “son of Caiaphas.” Thus, both high priests associated with the name Cithaerus/Cantheras were remembered as related to the Boethus family that produced Caiaphas, among other high priests. VanderKam also demonstrates that this Cithaerus/Cantheras name corresponds to the first-century CE priestly family indicted along with other known first-century CE families in the Tosefta and Bavli. Cf. D. Schwartz (with R. Brody here) 1990, 185–95. On Caiaphas and his family in literary and archaeological sources, see further C. Evans 2006; Bauckham 2012.

¹³⁰ Reich (2009, 180) comments that it is unclear where these weights were manufactured. Unlike the chalk vessels that were typically produced on a lathe, the weights were usually made of a hard limestone and worked entirely with a chisel and file in order to achieve the proper mass (Reich 2006, 341–2).

¹³¹ Michailidou (1999) has made a similar point about the lead and stone weights from Late Bronze Age Crete, which were also regularly discovered in residential settings.

their own weights to the market, the only persons using these weights must have been involved in the production and distribution of commodities that were sold by weight (wool, grain, bread, meat, etc.).¹³² It should be stressed that this does not mean that the elites residing in the Jewish Quarter mansions personally partook in production, but rather that their slaves and employees did.

Weights without inscriptions thus imply economic production and exchange but not necessarily market oversight. Only inscribed weights were considered official and were used to determine whether the other weights were accurate. Therefore, it is noteworthy that a smaller yet still significant number of Jerusalem's stone weights have inscriptions along the same lines as their lead counterparts in other cities. Several of the weights are simply inscribed with a palm branch or X – probably both symbols representing their official validation and preventing tampering that would erase their inscriptions.¹³³ Others were inscribed with an “L” for year (as was conventional on coins) along with a Greek letter indicating the year, plainly the reign of the king or emperor.¹³⁴ Some of the weights from the latest system indicate years according to the reign of Agrippa I, just like the lead weights.¹³⁵

The names of individuals other than the king were rarely inscribed on the weights, but the exceptions were evidently the men who validated the weights. Three stone weights dated according to the reign of Agrippa I (40/41 CE) include the name Athamas (or Aphamas), who was probably an *agoranomos* despite the omission of his title.¹³⁶ Another stone weight from 9/8 BCE is labeled “mina of the market” (*agor[aia] mna*), implying the authority of the *agoranomos*, but again without stating the title itself.¹³⁷ Only three other weights mention individuals other than the king, and they

¹³² On weighing wool in markets: Moeller 1976, 75; on grain and bread: Erdkamp 2005, 295–6; on meat: Rosenfeld and Menirav 2005, 26–9; Chandezon 2015.

¹³³ Reich 2006, 347–8; CIIP I.1 667–71, 692.

¹³⁴ Reich 2006, 348–50; CIIP I.1 659–66, 676–91.

¹³⁵ CIIP I.1 676–84. CIIP I.1 685–91 should probably also be attributed to the time of Agrippa I despite not including the name Agrippa. These weights only have the inscription LE (“Year 5”), which is the year listed on all of the weights with the name Agrippa, corresponding to the year Agrippa took over Jerusalem as king, 40/41 CE. Theoretically, the name Agrippa on these weights could refer to Agrippa II rather than Agrippa I. This is unlikely, however, because the coins Agrippa II minted in Jerusalem use the year of the emperor for dating rather than the year of his reign.

¹³⁶ CIIP I.1 676–8.

¹³⁷ CIIP I.1 666. This weight is dated by an inscription along its border to “Year 32 of King Herod, Pious and Friend of Caesar” (9/8 BCE). The words ἀγορ[αία] μνᾶ are at the center of the weight. Josephus explains that a mina equals two and a half Roman pounds (A.J. 14:106).

must have been either owners of the weights or those responsible for their calibration. One has the name “Yehoseph” alone while the other two mention the famous priestly Bar Qathros family.¹³⁸

Besides these inscriptions, a first-century CE weight found at the southwest corner of the Temple Mount was inscribed *erio*, undoubtedly rendering the Greek word for wool (*erion*) and thus divulging one of the goods measured with these weights.¹³⁹ Raw wool was usually weighed and carefully monitored in market exchanges.¹⁴⁰ Josephus records that there were wool shops and a clothes market in Bezetha, but the sale of wool and clothing was surely even more widespread in the city’s markets.¹⁴¹

The contexts in which the Jerusalem weights were discovered further suggest that some of Jerusalem’s elites were involved in market oversight. On the one hand, in the same stratum (mid first century CE–70 CE) in the Burnt House that produced the Bar Qathros weight and twenty-three other scale weights, a stone flan mold for casting coins was unearthed along with a liquid measuring table (*sēkōma*) containing funnel-shaped cavities of differing volumes for measuring liquids, as well as additional indicators of industrial activity such as ovens and grinding stones.¹⁴² The *sēkōma* is one of two found in the Jewish Quarter excavations and is an item specifically associated with *agoranomoi* in other cities. A similar table from Hellenistic Marisa, for instance, has an inscription mentioning two *agoranomoi*.¹⁴³

¹³⁸ Reich (2006, 350) states that the unpublished weight inscribed יהוסיף is from the City of David.

¹³⁹ CIIP I.1 673. A partial stone weight with the partial Greek inscription]PIO from Qumran (KhQ 2124) might also have referred to wool (Reich 2006, 358; 2009, 181), contra Lemaire’s (2003, 358) suggestion that this is a transliteration of the Latin name MA]PIO.

¹⁴⁰ Nijf and Meijer 2014, 131–40; Moeller 1976, 75. Cf. Michailidou 1999 on weighing wool in Late Bronze Age Crete. See also *I.Erythrai* I 15 (360–330 BCE, Erythrai); m. Kelim 29:6; *Edict of Diocletian* 25. To be sure, there are also sources that indicate that wool was tithed in the Second Temple period (Tob 1:6; Philo, *Virt.* 95; cf. m. Hul. 11:1–2), presumably on the basis of Deut 18:4, but it is difficult to accept that this practice was widespread, as it is scarcely mentioned in the sources from Early Roman Palestine.

¹⁴¹ Josephus, *B.J.* 5:331. Cf. m. ‘Ed. 1:3; m. ‘Erub. 10:9.

¹⁴² Aside from the flan mold from the Burnt House, an additional nine flan molds were discovered in the Jewish Quarter excavations – one in Area E and at least six from Area N. See Ariel 2010 on the flan mold from the Burnt House as well as Ariel 2014 (the most recent publication on Jerusalem’s flan molds); Ariel 2011, 380, 391–2; Ariel and Fontanille 2012, 85–8; Avigad 1983, 129 fig. 126. On the twenty-four stone weights from the Burnt House, half of which came from Room L.213, and the rest of which were scattered about the mansion’s other service rooms, see Geva 2010c, 174–7.

¹⁴³ On the liquid measuring table from the “kitchen” of the Burnt House (L. 211), see Avigad 1983, 134, figs 134–5; Geva 2010a, 58 (photo 1.63), 64; 2010c, 178, 201 (pl. 5.14). Strangely, its three funnels appear to differ only slightly in volume (left to right: 242 cc., 217 cc., and 233 cc.), raising the question of whether they once had been or were intended to be the

Altogether, these objects communicate that at least some of the residents of those homes and their slaves were involved not only in economic production, but also oversight. On the other hand, the weights from near the Temple Mount were found in or around the shops near the southern steps and Robinson's Arch along the main thoroughfare that ascended from the Pool of Siloam towards Bezetha – thus, in specific contexts of commercial exchange.¹⁴⁴ Importantly, Raz Kletter has rejected Reich's tithing hypothesis and shown instead that the Jerusalem stone weights seem to form a single system that was based on a mina of ca. 375 g (= 100 denarii) and thus carefully regulated by *agoranomoi*.¹⁴⁵ Although some questions remain about the denominations within this measuring system,¹⁴⁶ it is now clear that the system as a whole was linked to the Roman denarius and would therefore have facilitated supraregional trade and integration with markets outside of Jerusalem.

same volume. A small fragment of another measuring table was found in Area A of the Jewish Quarter excavations (Reich 2003, pl. 8.3:10). The inscription on the elaborately decorated liquid measuring table from the commercial district of Marisa is dated to 143/142 BCE (Finkelsztein 2010). Quite a number of such tables have also been discovered at Delos. Among the meager surviving inscriptions on the Delos measuring tables, two clearly mention civic officials: one that names an ἀγορανόμος (Deonna 1938, 177 [no. 13], pl. 510, 513) and one that names an ἐπιμελητής of the market (Deonna 1938, 177 [no. 15], pl. 515). A famous example of a measuring table from the Roman period is the *mesa ponderaria* that was located in its own building in the forum of Pompeii and similarly contains an inscription of ca. 20 BCE mentioning *duoviri* (CIL X 793). Incidentally, Pompeii also produced scale weights inscribed with the name of the *aedilis* – a Latin equivalent to the ἀγορανόμος (CIL X 8067; XI 6727; XIV 4124) – as well as scale weights from elite residential contexts (P. Allison 1997, 395–7). Notably, at the temple of Bel in Palmyra, a president of the symposium of the priests of Bel was also an *aedilis* of the *metropolis* (PAT 0288, 272/273 CE).

¹⁴⁴ According to Reich (2009, 179), 44.54% of Jerusalem's weights are from the public area at the Temple Mount, 39.19% are from residential contexts in the "Upper City," 1.11% are from the residential area east of the Temple Mount, 11.58% are from residential contexts in the Lower City, and 3.56% are from the eastern city dump. On the shops, see Mazar 2002, 37–41. It is possible that the Temple and its functionaries played a part in regulating the activity of the shops around the Temple Mount as well as any commercial activity on the Temple Mount. The Heraion at Samos, for instance, received revenue from licensing shops in the temple's precincts ca. 246–221 BCE (SEG XXVII 545).

¹⁴⁵ Kletter 2015, 190–7. This argument significantly revises Reich's (2006, 369–75) argument that the weights represent four discrete, chronologically subsequent, measuring systems among the weights and that these systems do not correspond to other attested weighing systems.

¹⁴⁶ The system depended mainly on binary multiples and decimal fractions of the mina, but it is more difficult to determine the basis of the smaller units. Kletter (2015, 197) suggests that they followed denarii weights and may even have reflected the devaluation of the denarius in weight during this period.

Like Kletter, Hillel Geva has also questioned Reich's tithing hypothesis and proposed that the weights indicate typical market activity. If this were the case, he posits, a member of the priestly Bar Qathros family might have been the *agoranomos* in Jerusalem.¹⁴⁷ While the presence of market supervisors in Jerusalem is indubitable, there is not an abundance of evidence for them. The best indicator is the three stone weights from 40/41 CE naming Athamas (or Aphamas), but omitting the title *agoranomos*. The fact that the lead weights elsewhere in Palestine only ever include the names of the emperor or king and the *agoranomos* in their inscriptions permits little incredulity that this man was an *agoranomos* in Agrippa's Jerusalem.

Although Josephus does not mention a Jerusalem *agoranomos*, such a position in Hellenistic times was coveted by high priests according to 2 Maccabees (3:4–5).¹⁴⁸ Furthermore, Alain Bresson has compellingly suggested that the depiction of Jesus holding a whip when driving out the money-changers from the Temple in John 2:13–22 is modeled on an *agoranomos* since ancient sources sometimes state that the whip was a symbol of this official's authority.¹⁴⁹ While this scene from the Gospel of John cannot, by inversion, prove that Jerusalem had an *agoranomos*, it warrants attention as a verisimilitudinous recasting of the moneychangers episode.

Josephus informs us of at least three regular markets in Jerusalem – the Upper Market, Wool Market, and Timber Market – while archaeological evidence of shops signifies a fourth along the Tyropoeon Valley (the Lower Market).¹⁵⁰ The high quantity of goods imported and exported through the city, especially during festivals, establishes that Jerusalem was a major commercial center. As such, the city must have designated *agoranomoi* as well as *telōnai/publicani* who collected for the Jerusalem *boulē* duties like those that Archelaus and Vitellius temporarily remitted. In this way, these local elites reduced some economic uncertainty in Jerusalem's markets and helped to

¹⁴⁷ Geva 2010a, 64; 2010c, 178. See also CIIP I.1, p. 667 (Kushnir-Stein, Yardeni, and Price): "Kathros' name on the stone may indicate possession, as Avigad in the ed. pr. assumed, but conceivably it indicated responsibility for regulation of the weights." The editors rightly add that the existence of this weight in the Burnt House does not necessitate that this mansion belonged to the Qathros family.

¹⁴⁸ Aperghis (2011, 23) and Honigman (2014, 329–30, 340–2) point out that one of the primary duties of the ἀγορανόμος under Seleucid hegemony was collecting tolls and sales taxes. This would have been the prerogative of the τελώνης in the Early Roman period, though the τελώνης and ἀγορανόμος likely collaborated in their tasks.

¹⁴⁹ Bresson 2016, 246. See Roubineau 2012 on sources portraying the ἀγορανόμος with a whip or as generally wielding authority and expressing it aggressively.

¹⁵⁰ Upper Market: B.J. 2:305, 315; Timber Market: B.J. 2:530; 4Q384, l. 18: שוק הקורות; Wool Market: B.J. 5:331. For rabbinic sources on the Lower Market, see Jeremias (1969: 19). See further Adna 1999; Levine 2002, 336–46; G. Gardner 2003, 5–17.

make market integration possible. Although crucial questions remain unresolved about these weights, they evince a tantalizing connection between Jerusalem's elites and economic oversight in Jerusalem's markets.

Conclusion

There is much that we do not know about taxation in the ancient world and Early Roman Palestine in particular. In the course of this discussion, it has often been illuminating to attempt to calculate rates of particular taxes when possible and draw on data from contemporary provinces when not enough information was available for Palestine. But these numbers can be misleading, especially if they are not viewed in diachronic perspective. Thus, a 10.7 percent annual land tribute may have been paid to Rome from 47 to 44 BCE, but it is unlikely that this rate was maintained throughout the Early Roman period.

The data culled from Egyptian papyri commend a higher rate on average, but this varied significantly according to the category of land one owned or leased. By analogy with Egypt, we might posit that a smallholder paid 14 percent annually while a tenant on private land who was responsible for the tribute paid this 14 percent plus their rent. Meanwhile, a tenant on public land might have paid about 46 percent for the land tribute, but had no additional rent to pay. As noted, most tenants in this period worked on private estates. On top of this, all adult men probably paid a head tax of about 5 denarii. Depending on how involved a person was in commerce, they may also have regularly encountered indirect taxes in the range of 2–5 percent.

The sum total of taxation for an adult living in Palestine, then, varied considerably according to several factors: 1) whether or not a person was involved in agriculture; 2) if involved in agriculture, whether a person was a landowner, private tenant, sharecropping tenant, or royal/public tenant; 3) whether a person was regularly involved in commerce; 4) whether a person was male or female; and 5) the region in which one resided. Because we do not have data divulging the percentage of people that fell into each of these categories, any projection of the “average tax burden” is inevitably flawed.

A better test of the total burden of taxes requires comparing Palestine's Early Roman period, itself comprising significant regional and temporal variation, with earlier periods. In this light, tax rates seem to have been no more burdensome in the Early Roman period than they were under the Persians, Ptolemies, Seleucids, and Hasmoneans. With the exception of

63–47 BCE, when our sources communicate unusually onerous exactions, the Early Roman period seems actually to have involved a less oppressive and more regular tax burden than the earlier regimes.

By breaking the structure of taxation down into institutions and resources, it becomes clear that, much like with tenancy, taxation changed in ways that had little to no tangible effect on the economic conditions of non-elites. Institutional shifts did, however, involve the repositioning of elites in a manner that guaranteed them greater control over resources. These resources included not only a share of the revenue from taxes and transaction costs related to them but also a measure of political power over non-elites. At the same time that elites gained wealth and influence through urban development and the emergence of private estates, they also became beneficiaries of taxation in a way that elites had not been in earlier periods. As cities grew and royal land gave way to a greater concentration of private estates, the administration of direct and indirect taxes became the domain of local elites.

CHAPTER 4

Economy of the Sacred

In an intriguing speech recorded by Josephus, Nicolaus of Damascus, the court historian of Herod, successfully advocated before the emperor Augustus's son-in-law Marcus Agrippa for the protection of the rights of Judaeans to engage in transactions with God.¹ Although the speech itself may not be historically reliable, its claim that the economics of Judaeans' ancestral worship (*thrēskeia*, *eusebeia*) operated according to the same rules as, and thus deserved the same protections as, Graeco-Roman forms of worship is revealing. In particular, Nicolaus argues that the money that Judaeans in Ionia transferred to the Jerusalem Temple was sacred money given to the god through piety just like transactions made by worshippers at Graeco-Roman temples. While there were some differences between the economics of worship at the Jerusalem Temple and other provincial temples, such as the diminutive role of euergetism and the participation of lay individuals in Jerusalem's sacrifices,² Nicolaus was correct that the Jerusalem Temple was as much an economic organization as any polytheistic temple of the Roman East.

Like at other major urban temples in the eastern provinces and client-kingdoms, the priestly elites who controlled the Jerusalem Temple were instrumental in the economic and cultural integration of Palestine into the Roman Empire as well as the continuation of Judaeans' indigenous religious traditions. As agents of God and brokers of the sacred, Jerusalem's priestly elites were self-interested in maintaining traditional Judaeans' worship but also in increasing their own wealth and power. Through their progressively political positions within one of Jerusalem's foremost economic organizations (the Temple cult), Judaeans' priestly elites played a part in

¹ Josephus, *A.J.* 16:31–65 (esp. 45–7).

² Rives 2014.

specifying property rights, reducing their own transaction costs, and attaining profits from other worshippers' transaction costs. They often derived divine support for their positions within Judaeen society through particular interpretations of the Torah – that is, by harnessing ideological power.

This chapter investigates Jerusalem's economy of the sacred as a site of elite power in provincial incorporation. "Economy of the sacred" is a term Beate Dignas has used to encompass a wide variety of economic activities associated with gods, temples, and worship practices. The economy of the sacred refers broadly to the interdependence of religious and economic activities in particular social contexts and more specifically to institutions that were identified as sacred (*hiera*) and were thus distinguished in various ways from other municipal, provincial, and imperial institutions.³

Jerusalem's priestly elites achieved greater political and ideological power within the city's economy of the sacred through their enfranchisement in civic offices. The economic power of priestly elites increased as urban development in Jerusalem and Herod's monumentalization of the Temple transformed Jerusalem into a robust pilgrimage city. Nevertheless, the institutional framework of the two primary sources of the wealth of priestly elites within the economy of the sacred – tithes and Temple taxes – did not change between the Hasmonean and Early Roman periods.

Religion and Economics in the Roman East

The Jerusalem Temple was unique in the Graeco-Roman world because it was the only place that most Judaeans publicly engaged in the worship of their one God through sacrificial rituals (although some Judaeans also worshipped at the rival temple in Leontopolis, Egypt). As an economic institution, however, the Jerusalem Temple did not differ significantly from the polytheistic temples in the urban centers of the Roman East.⁴ Like these temples, the Jerusalem Temple received and stored sacred funds, distributed sacred land, and stimulated and regulated forms of commerce. And like these temples, the Jerusalem Temple was controlled by an organization

³ Dignas 2002, esp. 13–35. Cf. Debord 1982; Rauh 1993; Connor 2014; Ando 2017. To be clear, by "economy of the sacred," I intend only to focus on those aspects of the economy of Early Roman Palestine that intersected with Judaeen forms of worship, and specifically at the Jerusalem Temple. Although they also deserve attention, the economics of household and synagogue worship are not my focus here. The economy of the sacred as I use it, moreover, is not tantamount to a mode of production or mode of *régulation* like, for instance, Boer's (2015) "sacred economy" (cf. Boer and Petterson 2017).

⁴ For a general overview of the multiple functions (including economic functions) of Roman temples, see Stambaugh 1978.

of priestly elites who had disproportionate power in negotiating cultural change under the pressures of provincial incorporation. A brief investigation into institutional and organizational changes at two other famous urban temples – the temples of Artemis at Ephesos and Bel at Palmyra – illuminates the inseparability of religious and economic aspects of worship that also characterized the Jerusalem Temple.

What is often thought of as religion in modern scholarship was in antiquity inseparable from other aspects of ancient life, including economic behavior. As Anthony Saldarini pointed out, the modern notions of the separation of church and state and the individualistic and personal orientation of religion, among other things, were nonexistent in antiquity. In his words, “Religious belief and practice were part of the family, ethnic and territorial groups into which people were born. People did not choose their religion, nor did most social units or groups have members with different religions. Religion was integral to everything else and inseparable from it.”⁵ Thus, there was no such thing as the “Jewish religion” or “Christian religion” in antiquity. As social entities, what scholars tend to describe as religions were considered ethnic groups, philosophies, cults, or voluntary associations in the ancient Mediterranean world.⁶ The practices that scholars identify under the rubric of religion were often identified as “cultic acts” or “worship” (in Greek: *thrēskeia*, *eusebeia*, *latreia*, *deisidaimonia*, etc.).⁷ In public urban settings, worship practices usually revolved around blood sacrifice and thus entailed processes of animal supply and demand, of production and consumption.

Much like primitivists have argued that we should not discuss the economy as a discrete sphere of activity in antiquity, some religion scholars have made the same claim about religion. Brent Nongbri has even observed a slippage in scholarly discourse: religion is often recognized as “embedded” but is then portrayed as an isolated domain nevertheless – as “embedded religion.”⁸ Nongbri suggests that the category of religion should only be used in explicitly “redescriptive” analysis.⁹ I share

⁵ Saldarini 2001, 5.

⁶ Among others: Saldarini 2001, 59–75; Stowers 2001; Mason 2007, 480–8.

⁷ Nongbri 2013, 25–45; Barton and Boyarin 2016, esp. 123–209 on *thrēskeia* and related terms in Josephus and contemporary texts. On “worship” as an ancient category, see also Friesen 2001, 195–7.

⁸ Nongbri 2008.

⁹ Nongbri 2008, 442–4, 452–4. According to J.Z. Smith (2004, 28–32), descriptive analysis is a historian’s attempt to explain a historical phenomenon using concepts familiar to the culture and period being studied. Redescriptive analysis is when a historian uses their own (modern) concepts and categories to analyze that same phenomenon.

Nongbri's reservations but am less optimistic about the prospect of distinguishing "descriptive" and "redescriptive" modes of analysis. It would be misleading to inject the terms religion and economy into translations of ancient texts, but it is also disingenuous to expect that historians can engage in descriptive analysis that is not shaped by modern questions, categories, and discourses.¹⁰

The value of scholarship that problematizes ancient religion is that it illuminates the interdependence of religious ideologies and practices on other aspects of social identity and behavior in the Graeco-Roman world.¹¹ For the purposes of this study, I am more concerned with emphasizing the indivisibility of religious and economic practices and values than in circumventing the terms religion and economy and their cognates. Focusing on organizations, institutions, and the practices of social actors provides a historiographical frame of reference that does not rely as heavily on the isolated and essentializing categories of religion and economy but instead stresses the multiple and multiplicative bases of the dispositions and motives of social actors. Thus, the Jerusalem Temple was an institution of social intercourse, worship, and exchange that was controlled by a politically powerful organization of priestly elites. It should be understood as a social, cultural, religious, economic, ethnic, and political center even though no ancient Judean would have described God's one and only sanctuary in precisely these terms.

In his classic essays on the political power of priestly elites, Richard Gordon called attention to the ways that temple cults naturalized socio-economic inequalities and facilitated provincial integration. Gordon described the "Romanization of religion" with special reference to the political enfranchisement of priestly elites in the Roman imperial state: "Very generally, we may say that the high priests were understood to be dynasts to be rewarded or punished as they served the interests of Rome, and all eventually turned into magistrates of the usual Graeco-Roman kind: high priesthoods became annual and were opened to the local aristocracy."¹² By empowering indigenous priestly elites, Rome sought to preclude these local authorities from fomenting resistance among provincials. With the institutional support of the imperial state, priestly elites thus negotiated the forms and degrees of cultural change, simultaneously preserving traditional institutions and shifting them to suit their own interests.

¹⁰ Schilbrack 2010.

¹¹ Cf. Stowers 2008; 2011.

¹² R. Gordon 1990c, 241. Cf. R. Gordon 1990a; 1990b; Ando 2000; 2013.

The Temple of Artemis at Ephesos (Artemision), a wonder of the ancient world, serves as an excellent case study for path-dependent institutional change at major urban temples in the early stages of Roman incorporation.¹³ Rebuilt several times since its original construction in the Bronze Age, its Hellenistic and Roman reconstructions preserved the plan and some of the decorative schemas of the Archaic temple. Following the annexation of Asia in 133 BCE and especially after Augustus's naming of the city as the capital of the province ca. 29 BCE, the cult of this ancient Graeco-Anatolian goddess surged in political and economic power.

Literary and epigraphic sources indicate that the Temple of Artemis was one of the foremost economic institutions in the Roman East. Wealthy citizens of Asia and the empire deposited funds at the Temple and the Temple also issued substantial loans on which it collected interest.¹⁴ Elites donated funds and goods to the Temple and designated the goddess as heiress in their wills.¹⁵ Additionally, Artemis owned estates well outside of the city including vineyards that produced sacred wine, quarries, pastures, and salt-pans.¹⁶ She also owned sacred herds, profited from some tolls on the fishing industry, and was paid fines by individuals who broke certain laws.¹⁷ Among the many different officials involved in the cult of Artemis, there were special agents tasked with regulating financial transactions as well as a *gerousia* that oversaw their work.¹⁸ Due to its fame, the Temple of Artemis also stimulated a tourist industry that figures prominently in Paul's confrontation with the Ephesians in Acts of the Apostles (19:23–41): an association of silversmiths profited from selling miniature shrines of Artemis to pilgrims.¹⁹

¹³ Rogers (2012, 29–32) has described developments in the cult of the Ephesian Artemis under the rubric of “continuity in change.” For histories of Roman Ephesos: Karwiese 1995; Knibbe 1998. On urban development: L. White 1995; Raja 2012, 55–89. On Ephesos as a religious center under the Principate: Oster 1990.

¹⁴ SEG XXXIX 1176; *IvE* V 1449; Caesar, *Bel. civ.* 3.33, 103–5; Dio Chrysostom, *Or.* 31.54; Diogenes Laërtius 2.51; Plutarch, *Demetr.* 30.1; Aelius Aristides, *Or.* 23.24; Lucian, *Icar.* 24; Pausanias, *Descr.* 7.2.6; 7.5.2. For leases on sacred land, see *IvE* Ia 8; II 577.

¹⁵ E.g., *IvE* III 678, 669, 731; VII.1 3076–8.

¹⁶ Artemis's rural estates: *IvE* VII.2 3501–2, 3506–13; SEG XXXII 1129; XXXV 1109. See Broughton 1938, 645; Strelan 1996, 77.

¹⁷ Sacred animals: Strabo, *Geogr.* 14.1.29. Fishing tolls: Strabo, *Geogr.* 14.1.26; cf. the dedication to the imperial family and Ephesian Artemis at the Customs House on Ephesos's harbor: *IvE* Ia 20 (with Friesen forthcoming). Fines: *IvE* Ia 27; VII.2 3827. On the economics of the Temple of Artemis, see further Oster 1990, 1719–20; Strelan 1996, 77–8; Dignas 2002, 141–56; Trebilco 2007, 25–6.

¹⁸ SEG XXXIV 1107; Diogenes Laërtius 2.51. See Broughton 1938, 814.

¹⁹ An Ephesian association of silversmiths (*argurokopoi*) is known from an inscription (*IvE* II 425 + III 636) dating to the period in which Acts of the Apostles was written, ca. 81–117 CE. The inscription appeared on a monument to T. Claudius Aristion, high priest of Asia,

For all of these reasons, Thomas Broughton labeled the Temple of Artemis “the biggest bank in Asia.”²⁰ While the temple had economic functions in earlier periods, the economic power of Artemis and her agents became extensive under the Principate.

The institutional structure of the cult of Artemis changed in two particularly important ways in the imperial era. First, the leaders of the cult took on civic offices and responsibilities and were recognized by the emperors as local and provincial authorities. Inscriptions from this period show that these priests of Artemis started to broadcast their loyalty to the empire in inscriptions a generation before there was a provincial imperial cult temple in the city. Moreover, the Kouretes were relocated from the Temple of Artemis to the city’s *prytaneion* under Augustus and started to be named as *bouleutai* (city councilors) in the first century CE.²¹ Thus, these officiants of the Ephesian Artemis were increasingly politicized during the course of the first century. Some ancient sources emphasize that temple treasuries in general, and the treasury of the Artemis cult in particular, were kept separate from civic funds.²² It is doubtful, however, that this ideal was upheld in practice. At the most, private funds deposited in the temple were the only funds that the cult personnel did not appropriate for their own portions or for cultic or civic expenses.²³ A decree of Paullus Fabius Persicus, the proconsul of Asia in 44 CE, indicates that the Artemision’s resources had been depleted due to the self-interest of magistrates who sold priesthoods to unworthy men who were seeking to harness power through the pretense of representing the goddess – probably a critique of nouveau riche public slaves and freedpersons.²⁴

Second, emperor worship became intertwined with Artemis devotion not only at the temple but throughout the city. This started to happen decades before the city received its first official imperial cult temple towards the end of the first century CE.²⁵ In 11 CE, for instance, the city’s Basilike Stoa was dedicated to Artemis, Augustus, Tiberius, and the city

prytanis, and temple-warden (*neōkoros*) – i.e., an elite official invested in maintaining worship at the Temple of Artemis. On the silversmiths, see also *IvE* II 547, 585–6; VI 2212, 2441.

²⁰ Broughton 1938, 890; cf. Oster 1990, 1717.

²¹ *IvE* IV 1004, 1009. Rogers 2012, 162–204; Harrison 2018.

²² E.g., Dio Chrysostom, *Or.* 31.54–5. On the separation of temple funds and priestly portions at the sanctuaries on the Hellenistic Aegean islands, see Pafford 2013. On the relations between cult and civic finances at temples in Hellenistic and Roman Asia Minor, see Debord 1982; Dignas 2002.

²³ Dignas 2002, 147.

²⁴ *IvE* I 17–19. See Dignas 2002, 141–56; Buraselis 2008, 128; Shaner 2018, 31–7.

²⁵ There was, however, a Temple of Divus Julius and Roma (mentioned in Dio Cassius 51.20.6–9 and usually associated with the Italian-style double foundation located near the *prytaneion* and *bouleutērion*). Ephesos was presumably refused an official provincial

of Ephesos.²⁶ Guy Rogers has noted that, in the mid first century CE, the cult of Artemis became reorganized in such a way that a leading contingent of its officiants, the Kouretes, started to take the title *philosebastoi*, or devoted to the Roman emperors.²⁷ In the 50s CE, coins circulated in Ephesos that celebrated the marriage of Claudius and Agrippina as a marriage of the gods, or *theogamia*, on the obverse, while portraying the cultic statue of the Ephesian Artemis on the reverse.²⁸ Sometime between the early and mid first century CE, then, the worship of the Ephesian Artemis and the Roman emperors quite literally became two sides of the same coin.

Another instructive case study on the impact of provincial incorporation on the sacred economics of urban temples is the Temple of Bel at Palmyra. A cult of Bel was established in Palmyra by 44 BCE, but it is likely that the Hellenistic temple beneath the Roman period Temple of Bel was also dedicated (at least in part) to the worship of Bel.²⁹ Construction of the Roman period Temple of Bel, which was at least partially funded by wealthy Palmyrene and Greek traders (*emporoi*), had begun by 17/19 CE and was still ongoing in 108 CE.³⁰ According to an inscription from 44/45 CE, the temple was consecrated in 32 CE, probably about fifteen years after the city was formally incorporated into the Roman Empire.³¹ The inscription names the gods of the temple as Bel (the Babylonian god) and his two attendants, the local Palmyrene sun god Yarhibol and moon god

imperial cult temple because the city sided with Antony and Cleopatra rather than Augustus in 33/32 BCE. On imperial cult buildings in Asia, see Friesen 1993; 2001.

²⁶ *IvE* II 404.

²⁷ Rogers 2012, 158–69. According to the Kouretes lists, between 54 and 59 CE the Kouretes started to be represented not only as *eusebeis* but also *philosebastoi*. See *IvE* IV 1008 (54–9 CE) and 1005 (reign of Claudius or Nero), as well as the lists from the late first century CE (*IvE* IV 1012–15).

²⁸ *RPC* 2620. See Kreitzer 1996, 109; Winter 2015, 207. A similar image appears at the Aphrodisias Sebasteion (a municipal imperial cult temple complex), where Agrippina is depicted holding the hand of the emperor Claudius, who is portrayed naked (as a god).

²⁹ The earliest evidence of a cult of Bel is an inscription from 44 BCE (*PAT* 1524; *TSSI* IV 28), which was likely part of an earlier (Hellenistic) sanctuary of Bel (Kaizer 2002, 232; A.M. Smith 2013, 61, fig. 3.3). On the history of Roman Palmyra: Stoneman 1992; Millar 1993, 319–36; A.M. Smith 2013. On the archaeology of the Temple of Bel, see Seyrig et al. 1968–75. On religious practices in Palmyra, see Drijvers 1976; Dirven 1999; Kaizer 2002.

³⁰ *PAT* 270 (17/19 CE); 263 (108 CE) [*TSSI* IV: 30]. Cf. *PAT* 1352 (24 CE, copied in second century CE), also on traders contributing to the sanctuary. See Dirven 1999, 51–7, 63–5; Kaizer 2002, 67–78; A.M. Smith 2013, 58–68; Gawlikowski 2015, 248–9.

³¹ *PAT* 1347. Gawlikowski (2015, 252) contends that Palmyra's official incorporation into the empire was commemorated by the erection of imperial statues by a legionary commander in 18/19 CE (see further below).

Aglibol.³² Eventually, however, the whole temple complex was more exclusively identified as the “house of Bel” (Pal. *bt bl*; Gk. *hieron tou bēlou*).³³

Like the Kouretes at Ephesos, the priestly elites of Bel became more involved in politics over the course of the Roman period. Some of the priesthoods at Palmyra were apparently hereditary; the Bene Komare, or “sons of priests,” was one of the most important tribes in the city and cooperated with other tribes and traders to finance and construct the Temple of Bel.³⁴ Funerary reliefs and inscriptions point to the wealth and power of priestly elites in Palmyrene society.³⁵ Some inscriptions show that priests of Bel took on a number of civic offices. An inscription from 267 CE names the priest Septimius Verodes (Worod), for instance, as *epitropos* of the emperor, *ducenarius*, law-giver of the colonial *metropolis*, *duumvir*, and *aedilis* (market overseer), and also recognizes his munificence in escorting caravans at his own expense.³⁶ While this inscription may reflect a combination of civic offices that was enjoyed by some priestly elites only in a later period, it is clear that the high priests of Bel played some role in politics, and hence in controlling Palmyra’s immense trade, in the Early Roman period.

The chief priest (*archiereus*) of Bel was also known as the *symposiarchos*, the president of the confraternity (Pal. *mrzḥ*) of the priests of Bel.³⁷ The priests of Bel regularly gathered for sacred meals, which probably also had ritual components. *Tesserae* that served as invitations to the banquets thus often depict priests reclining at banquets.³⁸ Moreover, the rooms within the temple complex where many of these *tesserae* were unearthed were evidently used as banqueting halls where priestly elites and their guests would participate in a sacred meal.³⁹ Bel’s high priests probably lived in mansions close to the temple such as the late second- to third-century CE “patrician houses” just east of the temple.⁴⁰

³² PAT 1347. Cf. the attribution of the temple to “gods” in PAT 1353 (35 CE) and 269 (51 CE). Moreover, the roof panel between the entrance to the cella and the temple’s portico depicts Yarhibol, Aglibol, and Belti (Bel’s female consort) while additional deities are depicted on the temple’s other reliefs. See Dirven 1999, 53; A. Smith 2013, 60.

³³ PAT 2769 (171 CE); 260 (175 CE); 1370 (218 CE). Some early inscriptions dedicate the *naos* (Pal. *hykl’*) of the temple specifically to Bel: PAT 270 (17/19 CE); 1352 (24 CE). See Dirven 1999, 53–4.

³⁴ Among others: PAT 261; 1347; 1352; 1524. On the tribal social organization of Palmyra and the prominence of the Bene Komare, see Kaizer 2002, 43–51, 204; A. Smith 2013, 33–54, 60.

³⁵ Funerary reliefs of priests from ca. 50–150 CE: Colledge 1976, 248. On networks of priests in Palmyra as elucidated by the funerary portraits, see Raja 2017.

³⁶ PAT 288. For discussion, see Kaizer 2002, 234–6; Stoneman 1992, 78–9.

³⁷ PAT 265; 288; 316; 1357. Milik 1972, 222–77; Kaizer 2002, 233–4.

³⁸ The *tesserae* from Palmyra are collected in Ingholt et al. 1955.

³⁹ Kaizer 2002, 229–34; 2008; Nielsen 2014, 231–7; 2015, 51–2.

⁴⁰ Colledge 1976, 94.

Compared to the Artemision in the capital city of Asia, the Temple of Bel may not have been as closely tied to emperor worship. In fact, while there is some epigraphic evidence for an imperial cult temple at Palmyra, no traces of a new priesthood for the imperial cult have survived.⁴¹ This makes it even more interesting that one of the only known inscriptions that betrays the presence of an imperial cult priesthood in the city indicates that a single person was both a priest of the Sebastoi and high priest of Bel in 166 CE.⁴² While it is unlikely that the imperial cult played as significant of a role in Palmyra in the first century CE as it did in Ephesos, it is clear that its incorporation into civic and religious life had begun around the time that construction began on the Temple of Bel. Thus, in 18/19 CE, a legionary commander set up statues of Tiberius, his son Drusus, and his nephew Germanicus in the Temple of Bel.⁴³

The impact of the city council on the cult of Bel is more evident than the impact of the imperial authorities. A large ramp at the northwest corner of the *temenos* for leading animals into the temple for ritual slaughter leaves little doubt that blood sacrifice was one of the main activities of worship at this temple. This is noteworthy because a municipal tax-farmer (*publicanus*) collected taxes on sacrificial animals – taxes separate from import and export dues.⁴⁴ Ted Kaizer has suggested that the revenues from these taxes went into the city's treasury, but he has also noted that this treasury may not have been fully distinct from the temple treasury.⁴⁵ These tax revenues were probably kept in the temple but allocated for civic projects. In addition to the animals and other offerings sacrificed at the temple, some cattle were apparently given to the temple as sacred dues.⁴⁶ Because Palmyra was an oasis in the desert and witnessed a regular flow of goods from elsewhere, the Temple of Bel may not have depended to the same degree as other large temples on sacred estates to supply its sacrificial needs.

We lack many details about the economics of worship at temples of the Roman East, but these two brief case studies should suffice to show that religious and economic practices were interdependent and indivisible. As Dignas has demonstrated, the idea that transmitting goods to (or through)

⁴¹ PAT 2769 (171 CE); Milik 1972, 315–16 (mid third century CE); Kaizer 2002, 148–51.

⁴² Bowersock 1976, 350; Kaizer 2002, 151, 234.

⁴³ *Inventaire des inscriptions de Palmyre* IX 2 (Cantineau 1930–6). See Seyrig 1932; 1941, 169; Kaizer 2002, 37, 150; Gawlikowski 2015, 252.

⁴⁴ Kaizer 2002, 183.

⁴⁵ Kaizer 2002, 183–5.

⁴⁶ See Kaizer 2002, 196, referring to the Palmyrene term *qnyt'* that appears on some *tesserae* (PAT 2284–7). Although associated with Nebu in these inscriptions, it is plausible that similar payments in kind were collected at the Temple of Bel.

a temple transformed them into the god's property was widespread in the Hellenistic kingdoms and Rome's eastern provinces.⁴⁷ While each temple involved distinctive institutions, most owned and distributed sacred land, received and allocated sacred money, and stimulated trade and commerce. The extent of their impact on broader trade networks is evident from what Taco Terpstra has described as "trading diasporas" in the West – that is, the presence of middlemen who facilitated trade with the East in cities like Rome and Puteoli. Terpstra has shown, for instance, that the Palmyrene temple in Rome was involved in trade with Palmyra.⁴⁸ We should suspect that diaspora synagogues played, to some degree, a similar role in facilitating trade with Judaeans in Palestine. As we will see, the collection of the Temple tax already created a flow of money from diaspora communities into Palestine. It is likely that other commodities moved through the same Judaeans diasporic networks responsible for collecting the Temple tax (and Paul's "Jerusalem collection").

At both Ephesos and Palmyra, priestly elites gained political power in the Roman period. They became increasingly involved in civic offices and regularly defined property rights involving land and other forms of wealth, often in relation to the sacred, and accordingly sought to reduce their own transaction costs. They negotiated with Roman authorities to preserve their ancient forms of worship but only to the extent that these continued to legitimate their cultic authority and thus constitute the foundation for their political power. Like the officiants of Artemis and Bel, the priestly elites of the Jerusalem Temple formed an economic organization that facilitated imperial integration. In the early phases of Roman incorporation, Jerusalem's priestly elites were responsible for maintaining indigenous institutions of worship while also adapting to changing imperial, provincial, and municipal institutions.

Jerusalem's Temple Economy

Few scholars have paid much attention to the economic functions of the Jerusalem Temple in the Early Roman period because most have opted instead to explore its significance as a preeminent religious institution and theological symbol in Judaism and Christianity.⁴⁹ As a result, the Jerusalem

⁴⁷ Dignas 2002, 13–35.

⁴⁸ Terpstra 2013; 2016.

⁴⁹ Important exceptions include Jeremias 1969; E. Sanders 1992, 47–145; Goodman 1999; Broshi 2001, 188–96; Lapin 2017a; 2017c. Scholars have generally devoted greater attention to the economics of the Jerusalem Temple in the Persian and Hellenistic periods: Hoglund 1992; Schaper 1995; Baesens 2005; 2006; Honigman 2014; Altmann 2016. Stevens 2006

Temple is often considered purely religious in character or is hastily characterized as the principal apparatus of imperial exploitation (i.e., “temple-state”). Both of these approaches undervalue the dynamic ways that priestly elites negotiated imperial, municipal, and traditional institutions while retaining some autonomy as an economic organization. The Jerusalem Temple was integral to the incorporation of Palestine into the Roman Empire, but it should not be reduced to an outpost of the imperial state.

Herod’s rebuilding of the Jerusalem Temple fused Graeco-Roman architectural and decorative institutions with the Semitic characteristics of the Jerusalem Temple as defined in the scriptures (see [Figure 4.1](#)). Like the Temple of Bel, the Jerusalem Temple and its precincts were continuously under construction for nearly a century.⁵⁰ Its massive Graeco-Roman style *temenos* served as the *agora* or *forum* of the city, surrounded by porticoes on three sides and featuring the largest basilical hall in the East on the fourth side.⁵¹ The Temple was thus the focal point of the social, commercial, and political center of the city.

Whereas Herod procured the financial resources to build the Temple, private benefactors also contributed to the project as at other temples of the Roman East.⁵² For instance, Nicanor of Alexandria donated a gate, Paris of Rhodes financed a pavement, and Alexander the brother of Philo donated gold and silver for the other Temple gates. Additional fragmentary inscriptions may commemorate other donations to the Temple construction.⁵³ While private benefactions may not have constituted the majority of the funds used for building the Jerusalem Temple, as was the case at the Temple of Bel, they betray the euergetic interests of some wealthy Judeans (particularly from the diaspora) in contributing to Herod’s project.

The Jerusalem Temple did not include elements of emperor worship, such as imperial statues, like many of the polytheistic temples of the Roman East. Many Judeans were allegedly on the brink of revolt when the Syrian

surveys the economics of the Jerusalem Temple in the earlier periods, but is based heavily on biblical texts.

⁵⁰ See [Chapter 1](#).

⁵¹ On the Jerusalem Temple’s architectural influences and innovations, see Richardson [2004a](#), 271–98; Levine [2002](#), 232–3; Jacobson [2007](#). Peleg-Barkat [2017](#) examines the archaeological and literary evidence for the Royal Stoa.

⁵² Josephus, *A.J.* 15:380; 17:162. Gabba [1990](#); [1999](#), 123.

⁵³ Nicanor: Josephus, *B.J.* 5:201; m. Mid. 1:4, 2:3, 6; m. Yoma 3:10; t. Yoma 2:3–4; b. Yoma 38a; *CIIP* I.1 98. Paris: *CIIP* I.1 3. Alexander: Josephus, *B.J.* 5:205. Additional inscriptions from Jerusalem that may commemorate building donations: *CIIP* I.1 9–12. Note that votive offerings were also contributed to the Temple such as the golden chain that Agrippa I received from Caligula and donated to the Temple (Josephus *B.J.* 19:294) and the golden lamp given by Helena of Adiabene according to m. Yoma 3:10 (Levine [2002](#), 236).

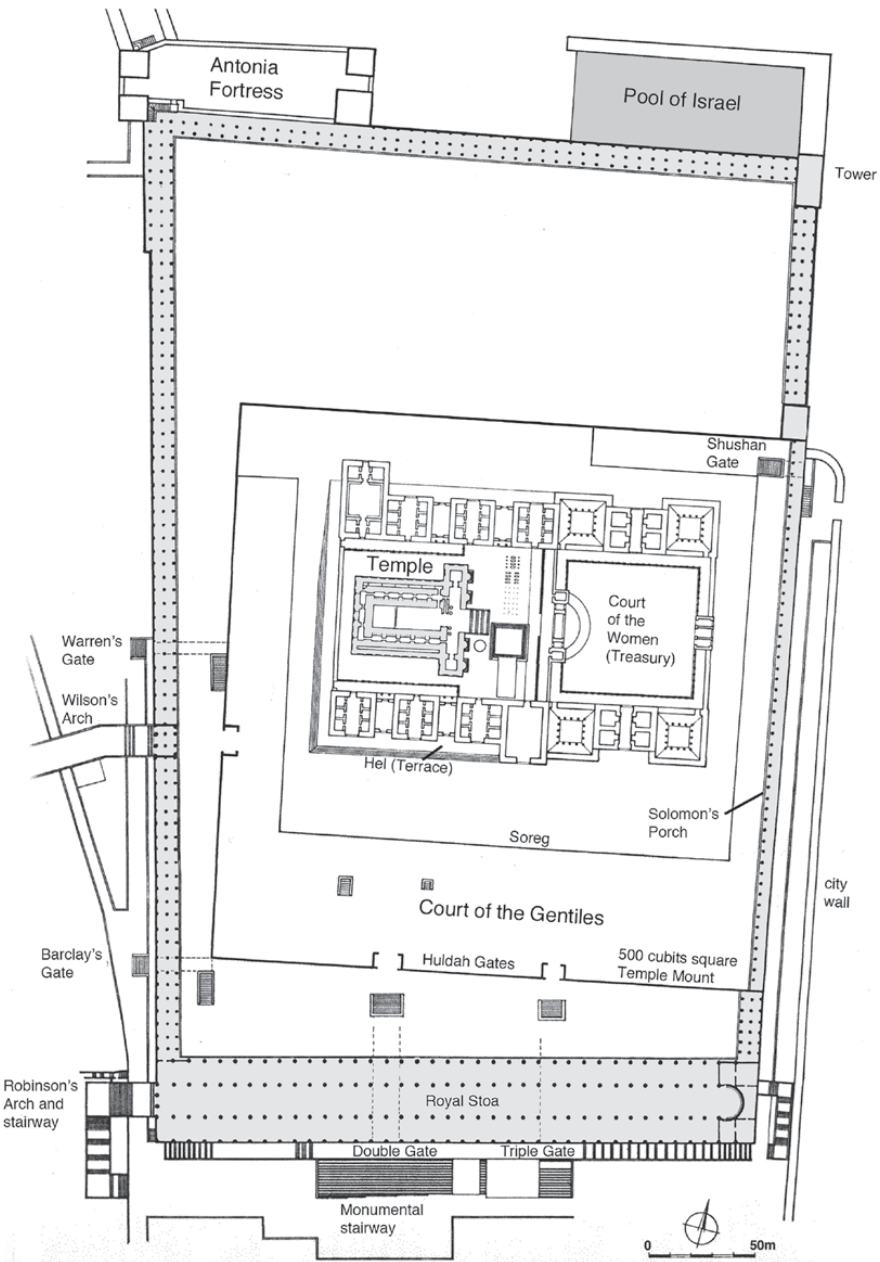


FIGURE 4.1 Plan of the Herodian Temple Mount. Courtesy of Ritmeyer Archaeological Design.

governor Publius Petronius sought to erect a statue of the emperor Gaius (Caligula) in the Temple as was a common practice at other temples.⁵⁴ At an earlier date, Herod's construction of a golden eagle over the main gate of the Temple was similarly disputed by some Judaeans. Josephus suggests that the eagle was resented because it was a figural representation and hence an affront to the Judaeans law, but it was more likely detested as a symbol of Roman domination and/or Herodian rule. These explanations are not mutually exclusive. In any case, it should be noted that only a small group of Judaeans seems to have contested the presence of this golden eagle, and it is unclear exactly what their motives were.⁵⁵ Details aside, there can be little doubt that statues representing Roman power and the imperial family had no place in the Jerusalem Temple.

In lieu of forms of emperor worship, the Jerusalem Temple was affected by imperial incorporation in other ways. Judaeans, for instance, showed their loyalty to the imperial state by offering daily (or twice daily) sacrifices at the Temple for the wellbeing of the emperor. These sacrifices were most likely funded by the emperor rather than the Temple cult.⁵⁶ James Rives has argued that sacrifice, as a universal practice in the ancient Mediterranean, served as a medium for imperial integration.⁵⁷ Through sacrifices for the emperor, the Jerusalem Temple acknowledged its loyalty to Rome. At the same time, the sacrifices offered by prominent Roman authorities such as Agrippa (15 BCE) and Vitellius (37 CE) at the Jerusalem Temple further underscored the political relationship between Rome and the Temple.⁵⁸

⁵⁴ Philo, *Legat.* 231–2, 349–73; Josephus, *B.J.* 2:184–203; *A.J.* 18:256–309. Bilde 1978; Reggiani 1984; Ehrenkrook 2011, 79–80, 113–14; Gruen 2012. On aniconism in Jerusalem, see also Tacitus, *Hist.* 5.5.4; Dio Cassius 37.17.2. Gaifman (2008) has noted that aniconism and semi-iconism were present in multiple religious contexts in the Graeco-Roman Near East, often alongside iconism.

⁵⁵ Josephus, *B.J.* 1:648–55; *A.J.* 17:149–67. Josephus indicates elsewhere that he views the eagle as a symbol of Roman domination (*B.J.* 3:123–4; cf. 5:48). See further Ariel and Fontanille 2012, 115–19.

⁵⁶ On these sacrifices being funded by the emperor, see Philo, *Legat.* 157, 317; Josephus, *B.J.* 2:409. Josephus paradoxically also relates that Judaeans covered the costs of these sacrifices (*C. Ap.* 2:77; *B.J.* 2:197). Scholars have taken both sides in this debate. I agree with Momigliano (1967, 361–2), Gabba (1999, 116 n. 100), Barclay (2013, 210 n. 268), and Rives (2014, 123) that it is more likely that imperial funds paid for these sacrifices. For the opposing perspective, see Smallwood 1961, 240–2; Lapin 2017a, 421 n. 20.

⁵⁷ Rives 2014, 109.

⁵⁸ Agrippa: Josephus, *A.J.* 16:12–15 (cf. Philo, *Legat.* 291–7). Vitellius: Josephus, *A.J.* 18:122. Rives 2014, 123–4. D. Schwartz (1992, 102–16) has argued that offerings by non-Judaeans were considered “gifts” rather than “sacrifices.” Non-Judaeans, of course, were not allowed past the Court of Gentiles: Philo, *Legat.* 212; Josephus, *B.J.* 5:193–4; 6:124–6; *A.J.* 15:417; Acts 21:28–9; *CIIP* I.1 2 = *OGIS* II 598; *SEG* VIII 169 (see Llewelyn and van Beek 2011). In

Thus, the cessation of sacrifices for the emperor played a part in provoking Rome at the outset of the First Revolt.⁵⁹

The Jerusalem Temple had been a significant economic institution in Judaeon society long before Pompey first beheld its vast treasures,⁶⁰ but it amassed more wealth than ever in the Early Roman period. Most of this wealth came from Temple taxes, as we will see, but Temple functionaries also received and managed several other types of wealth. According to later rabbinic traditions, at least three permanent “treasurers” (Heb. *gizbarim*; Gk. *gazophylakes*) and seven special administrators were set in charge of the Temple’s finances.⁶¹ Like at the Artemision, elites deposited money at the Temple for safekeeping.⁶² According to Josephus, at the start of the First Revolt, Judaeon elites deposited at the Temple the money they earned from selling their property. For this reason, Josephus described the Temple as “the general repository of Judaeon wealth.”⁶³

The Jerusalem Temple also received funds for particular fines, as at the Artemision and other temples. Such a fine paid to the Temple was marked as *qorban* (“sacrifice,” “offering”) and put in a special *qorban* fund, which Josephus mentions.⁶⁴ Josephus also explains that those who wish to be relieved of a Nazirite vow, which renders them *qorban* to God, must make a fixed payment to the Temple treasury.⁶⁵ Several archaeological finds from the Early Roman period shed light on the payment of a *qorban* fine at the Temple. The first is a small limestone object that was found in the excavations in the shops along the western wall of the Temple Mount. It is inscribed *qorban* and incised with images of two upside-down birds. The editors of *CIIP* suggest that this was the handle of a stone vessel used in a sacrificial ritual involving doves at the Temple.⁶⁶ An inscription on a jar

any case, the political symbolism of Roman authorities making offerings would have been recognized by all.

⁵⁹ Josephus, *B.J.* 2:408–17.

⁶⁰ On Pompey entering the inner sanctum of the Temple but not disturbing the sacred treasures, see Cicero, *Flac.* 28, 67; Josephus, *B.J.* 1:152; *A.J.* 14:72.

⁶¹ On the Temple’s “treasurers,” see Josephus, *B.J.* 6:390 (ὁ γαζοφύλαξ τοῦ ἱεροῦ); *A.J.* 14:106–7 (ὁ τῶν χρημάτων φύλαξ); m. Šeqal. 1:2. For additional rabbinic sources on the overseers of the Temple’s finances, see Jeremias 1969, 147–221; cf. Schürer 1973, 281–4; Levine 2002, 243.

⁶² Levine 2002, 236.

⁶³ Josephus, *B.J.* 6:282: πᾶς ὁ Ἰουδαίων σεσῶρευτο πλοῦτος. As B. Gordon (2013, 234 n. 89) notes, however, some Judaeon elites also deposited money at the royal palace in Jerusalem (*B.J.* 6:358). The Tomb of David was also used for protecting private and/or public funds: Josephus, *A.J.* 7:393; 16:179–84; Syncellus, *Chron.* 548.20.

⁶⁴ Josephus, *B.J.* 2:275. B. Gordon 2013, 235 n. 91.

⁶⁵ Josephus, *A.J.* 4:72–3; cf. *C. Ap.* 1:166–7. Fitzmyer 1997, 98.

⁶⁶ *CIIP* I.1 8; B. Mazar 1969, 168, 170, pl. 45:5; Benovitz 2002.

sherd from the Jewish Quarter (Area E) corroborates their assumption that a vessel would be labeled *qorban*: “Son of Jason, *qorban*. *Q(orban)*.”⁶⁷

Another reason for considering this artifact part of a vessel is the following tannaitic tradition: “If a man found a vessel and on it was written ‘*qorban*,’ R. Judah says: If it was of earthenware the vessel is to be deemed unconsecrated but its contents *qorban*; and if it was of metal it is to be deemed *qorban* but its contents unconsecrated. They said to him: It is not the way of men to put what is unconsecrated into what is *qorban*. If a man found a vessel and on it was inscribed a *qoph*, this is *qorban* . . .” (m. Ma’as. Š. 4:10–11).⁶⁸ This later rabbinic tradition only asserts that a *qorban* was consecrated and could be transported in a vessel, however. It does not comment on what constitutes a *qorban* or its purpose. Yitzhak Magen, in fact, has argued that the size of the stone fragment inscribed with birds and the word *qorban* is not consistent with the handles of any known vessels.⁶⁹ Thus, this particular artifact may have had some other purpose. Magen suggests that it was used in a lottery of doves,⁷⁰ but it is more likely that it accompanied an offering paid as a fine to the Temple even if the offering was not contained in the vessel marked with this inscription.

Additional archaeological and literary evidence supports the impression that one interpretation of *qorban* was as a fine paid to the Temple. At least three ossuaries have been discovered whose inscriptions include the term *qorban*:⁷¹

⁶⁷ CIIP I.1 643; E. Eshel 2006, 303–4, no. 4. An ostrakon from Masada (O.Masada 459) whose only remaining letter is a *qoph* has been considered a possible designation for *qorban* (following the Mishnah). It is not clear, though, whether the letter was on a jar or was part of a document. The way that the sherd is broken also raises the question as to whether the *qoph* was part of a word rather than a stand-alone letter. On other inscriptions from Masada and Qumran that might have marked jars as containing specific types of tithes, see Yadin and Naveh 1989, 32–4; Pfann 2002.

⁶⁸ Trans. Danby 1933, 80, adapted.

⁶⁹ Magen 2002, 78–9, fig. 3.31. It is somewhat more plausible that the fragment was the leg of a stone vessel (C. Evans 2012, 107), but in this case the placement of the inscription would be especially odd.

⁷⁰ Magen 2002, 79, referencing m. Ker. 1:7.

⁷¹ Several other inscriptions on ossuaries and *loculi* that imply the *qorban* vow without using the term are known: CIIP I.1 359, 375, 460, 602, 604; cf. Greek ossuary inscriptions using vow (*horkos*) language: 385, 507. One particularly interesting example of an ossuary inscription that uses sacrificial language to imply the *qorban* vow without using the term *qorban* is CIIP I.1 605 (Aramaic): “Closed. By the (daily) lamb (offering, it is forbidden) to harm (this ossuary) and to bury any other man with him (the deceased) in this ossuary. Closed. Closed.” Cf. m. Ned. 1:3 for a vow of prohibition “by the lamb.” Another Aramaic inscription that uses the term *qorban* (CIIP I.1 17) is difficult to contextualize. Its inscription reads “For the (altar) fire, a *qorban*. Pedaya.” This inscription was incised on a block of red and white hard limestone that was in secondary use as a door lintel discovered at the excavations at the “House of Caiaphas.” According to the editors, it was not originally

CIIP I.1 287 (Aramaic): Whatever benefit a man may derive from this ossuary (is a) *qorban* to God from him who is in it.

CIIP I.1 466 (Aramaic and Hebrew): Any man who derives benefit from it (this ossuary) – *qorban*! Any man – *qorban*! *Q(orban)*.

CIIP I.1 528 (Hebrew): Ḥananiya and Shalom. Ḥananiya. Any man (who) benefits (from this ossuary) – *qorban*! Ḥananiya and Shalom.

Like the funerary inscriptions in Ephesos that require fines for tampering with tombs to be paid to the Artemision,⁷² these ossuary inscriptions consider profits from tomb-robbing to be sacrileges against God and his Temple. As Joseph Fitzmyer explains, the *qorban* vow “puts a ban on something, reserving it for sacred use.”⁷³ While it is unlikely that a payment of *qorban* fines to the Temple for tomb-robbing and other offenses was enforced, it is suggestive that profitable violations against the sacred were to be dedicated to God (through the Temple) as *qorban*.

New Testament evidence similarly identifies the *qorban* as something that is devoted to the Temple as a fine for violating a *qorban* vow. In Mark and Matthew, Jesus condemns the practice of *qorban* whereby what is dedicated to the Temple as *qorban* is deemed more important than care for one's parents. The assumption in this polemic against the Pharisees is that what parents take from a son's property that was protected by a *qorban* (Gk. *korban* in Mark 7:11) vow was immediately dedicated to the Temple because of the parents' violation of that vow.⁷⁴ The Gospel of Matthew also depicts the chief priests deciding that the money Judas rejected for betraying Jesus could not be transferred to the *qorban* fund because it was “blood money.” They therefore decided to buy a potter's field for burying strangers with it instead (i.e., Akeldama).⁷⁵ Acts of the Apostles 1:18–19,

an ossuary inscription. Thus, its original use and meaning remain elusive. C. Evans (2012, 107), referencing Lagrange (1893, 221), cites a second inscription from an ossuary from the Mount of Olives that reads “For the (altar) fire, *qorban*. Martha.” However, it seems that Evans has conflated two separate inscriptions that Lagrange discussed separately but transcribed together. CIIP I.1 163 indicates that the semi-cursive Hebrew/Aramaic inscription on this ossuary consists of the name “Martha” given twice in two different hands on two different sides.

⁷² *IvE* Ia 27; VII.2 3827. See above.

⁷³ Fitzmyer 1997, 97 (italics removed). Cf. Benovitz 2002.

⁷⁴ Mark 7:9–13; Matt 15:3–6. Fitzmyer 1997; C. Evans 2012, 105–9; Gathercole 2013, 398–9.

⁷⁵ Matt 27:3–10. Although Jeremias (1969, 138–40) concludes that this event was historically plausible, he points out that Matthew seems to draw on Zech 11:13: “Then the Lord said to me, ‘Throw it into the treasury’ – this lordly price at which I was valued by them. So I took the thirty sheqels of silver and threw them into the treasury [Syr.: it to the potter] in the house of the Lord.” On the evolution of the interpretation of Zech 11:12–13 that Matthew received (and its combination with passages from Jeremiah), see further Luz 2005, 466–75.

on the other hand, makes no mention of *qorban* and has Judas purchase the field himself with the payment he received from the priestly elites.⁷⁶ It seems that Matthew invoked the *qorban* institution in order to underscore that the chief priests recognized their guilt in the murder of Jesus – that the money they presumably took from the Temple treasury could no longer be returned to it because of their unholy deed. In doing so, the author of Matthew advanced his purpose of portraying the Judean authorities as avaricious hypocrites. While much remains to be learned about the economics of the *qorban* institution, there can be little doubt that such fines were one source of the Temple's wealth.⁷⁷

Another source of Temple wealth was sacred land. By sacred land, I mean properties owned, administered, and/or leased out by the Jerusalem Temple cult. These properties likely received tax exemptions of some sort as at other temples of the Roman East. In his recent dissertation on sacred land in Second Temple Judaism, Benjamin Gordon has taken up this topic at length, closely examining the meager source evidence. He determined that in the late Second Temple period, the Temple owned some land, and that this was considered by some Judeans as a violation of the scriptural ideal in which priests do not own land. Moreover, Gordon has made the convincing argument that the Jerusalem Temple probably relied less on revenues from sacred land than other temples of the Roman East; even in the first century CE, the Jerusalem Temple probably only owned modest estates.⁷⁸

Only a few literary traces exist for land owned by the Jerusalem Temple. The most explicit source is Philo, who claims that the Temple owned portions of land (*apotomas gēs*), but that most of its revenues came from Temple taxes. Philo, however, says nothing about the extent, location, or administration of these sacred estates. It could be that the Alexandrian elite simply assumed that the Jerusalem Temple owned land in the same way as temples in Egypt (including the Judean temple at Leontopolis).⁷⁹ Another intriguing source is Josephus's rewriting of the Seleucid king Demetrius I's letter to Jonathan in 1 Maccabees 10. In the original source, Jonathan refuses the king's dedication to the Jerusalem Temple of the revenues from

⁷⁶ B. Gordon 2013, 228–9. Notably, this event does not occur in Mark, Luke, and John.

⁷⁷ Note that *qorban* fines were for intentional violations of the sacred. These should, in theory, be separated from “guilt offerings” and “sin offerings,” which were for accidental violations of sancta.

⁷⁸ B. Gordon 2013; contra Gabba (1999, 124), who assumes that the Temple did not own any land at all.

⁷⁹ Philo, *Spec.* 1:76. B. Gordon 2013, 223–5. On the sacred estates of the Leontopolis temple, see Josephus, *A.J.* 13:62–73 with Last 2010 and B. Gordon 2013, 155–73.

the city of Ptolemais and its hinterland (10:39).⁸⁰ Josephus, however, does not mention the offer of revenues from the countryside of Ptolemais and has Demetrius set free “all those taking refuge in the Temple in Jerusalem or in any place belonging to it (*ta ap' autou chrēmatisonta*).”⁸¹ Josephus thus seems to acknowledge that the temple owned land, but admittedly not much information can be extracted from this statement.⁸²

Gordon has shown that texts among the Dead Sea Scrolls assume that the Temple owned land. The Damascus Document, likely composed in the Hasmonean period, for instance, makes noteworthy revisions to the laws of land consecrations in Leviticus 27. In particular, it views the revenues of consecrated lands as sources of the wealth of the Temple rather than funding for landless priests – a subtle but important distinction according to Gordon.⁸³ The later sectarian document known as the Temple Scroll also seems to assume that the priestly elites in Jerusalem inappropriately claimed the profits from sacred land. It calls for a return to scriptural ideals, admonishing that a priest “shall not crave a field, a vineyard, any wealth, a house, or any valuable thing in Israel.”⁸⁴ These scanty literary clues suggest that in the Hasmonean and Early Roman periods, priests derived some profits from land dedicated to the Temple beyond the lawful resources they were guaranteed by the Torah.

Archaeological evidence may further support the theory that the Temple owned some land in the Early Roman period. The presence of *columbaria* (dovecotes), for instance, points to the presence of sacred lands. Another intriguing clue is the presence of ritual baths (*miqva'ot*) adjacent to agricultural installations. Lapin has suggested that these baths indicate that goods produced at these agricultural estates may have been intended for Jerusalem's priestly consumers.⁸⁵ Due to the rapid spread of concerns for ritual purity in Palestine's Judean contexts in the late Second Temple period, however, it is unclear that ritual baths at agricultural compounds should be tied to priests (as Lapin admits). Even if we may assume that these sites produced goods for the Temple, it still remains a question whether the estates were owned by the Temple or private landowners who were involved in the Temple economy through contracts or liturgies.⁸⁶ While our evidence for the Temple's estates in the Early Roman period is

⁸⁰ B. Gordon 2013, 174–94.

⁸¹ Josephus, A.J. 13:56.

⁸² B. Gordon 2013, 194–5.

⁸³ CD XVI, 14–17. B. Gordon 2013, 201–2.

⁸⁴ 11Q19 LVII, 19–21; cf. LX, 1 (B. Gordon 2013, 316).

⁸⁵ Lapin 2017a, 449. Cf. Adler 2008.

⁸⁶ Lapin 2017a, 444. Several rabbinic texts assume that the Temple made contracts with individual families for the production of products such as wine, grain, oil, incense, and

slim, it is clear that at least some of the offerings made at the Temple were produced on the Temple's sacred lands.⁸⁷ Presumably, some of these plants and animals would have been used for the Temple's mandatory sacrifices and others would have been sold to pilgrims in Jerusalem's markets for voluntary sacrifices.

In two recent studies, Hayim Lapin has developed a sophisticated model for quantifying the economy of the Jerusalem Temple in the first century CE. Lapin's model is based on Judaeen literary and archaeological evidence but also incorporates scholarship on the Roman Empire and other agrarian societies (e.g., Mandate Palestine) on agricultural practices, demography, and GDP. The sacrificial laws from the Torah, and especially Numbers 28–9, constitute the basis for Lapin's model. Lapin thus assumes, following Philo and Josephus, that the laws for fixed sacrifices in the Torah were observed in the Early Roman period.⁸⁸

Table 4.1 displays Lapin's calculations of the minimum annual requirements for the Temple's mandatory sacrifices and accompanying wine, oil, and grain offerings.

Lapin has estimated that 7,971 hectares of land would have been required to produce the Torah's mandatory sacrifices and offerings at the Temple.⁸⁹ The Temple cult was responsible for procuring the resources for these offerings. Temple officials also had to secure the supply of an enormous quantity of wood for the sacrificial rituals, although some individuals contributed wood offerings to the Temple.⁹⁰ It is also possible that the Temple was responsible for supplying the sacrifices for the emperor – two sheep

showbread: m. Šeqal. 4:9; 5:1; m. Menah. 8:1, 6; m. Yoma 2:5–7; 3:11; t. Šeqal. 2:6, 11–13 (B. Gordon 2013, 230 n. 77; Lapin 2017a, 444 n. 85).

⁸⁷ It is often difficult to determine without documentary evidence whether estates that produced plants and animals for sacrifice in the Roman Empire were *de jure* or *de facto* temple estates. Ando (2017) has demonstrated that the populations of villages that supplied sacrifices for urban temples were dominated by urban elites, but there was also room for negotiation between villages and cities leading to a more balanced relationship.

⁸⁸ Josephus, A.J. 3:224–57 (among others); Philo, *Spec.* 1; cf. m. Zebah. 5:1–7. Lapin 2017a; 2017c.

⁸⁹ Lapin 2017c, 244. This estimate depends on a series of sophisticated conjectures based on a combination of the analysis of ancient sources and comparative data from modern contexts (see Lapin's notes for references): one *hin* as 3.8 L; 1/10 of an *epha* as 2.29 L; 2000 L/ha as the wine yield; 440 L/ha as the oil yield; 65 kg/ha as the grain yield; 0.782 kg/L as the conversion of volume to mass; 0.66 ha as the grazing requirement per sheep; 3.3 ha as the grazing requirement per bull; males under one year and rams as 25% of the total herd; goat kids above 12 months of age and mature males as 9% of the total herd; and, an off-take of 8% of the herd for cattle.

⁹⁰ Neh 10:35; 11Q19 XXIII; 11Q20 6; Josephus, B.J. 2:425. Werman 2010; Lapin 2017a, 442–4.

TABLE 4.1 *Minimum Fixed Sacrifices for the Jerusalem Temple*

	Sheep	Rams	Goats	Cattle	Wine (<i>hin</i>)	Oil (<i>hin</i>)	Wheat (tenth <i>epha</i>)
Daily (365×2)	730				183	183	730
Sabbath (weekly)	104				26	26	104
New Moon (monthly)	84	12	12	24	37	37	144
Unleavened Bread/Passover (7 days)	49	7	7	14	22	22	105
Sacrifice accompanying 'omer	1				1	0.33	2
Firstfruits/Shavu'ot	7	1	1	2	3	3	15
Trumpets	7	1	1	1	3	3	12
Atonement	7	1	1	1	3	3	12
High Priest's Atonement Ritual			2	1			
Sukkot (7 days)	98	14	7	70	64	64	336
'Atseret	7	1	1	1	3	3	12
Showbread (weekly)							1248
TOTAL:	1094	37	32	114	345	344.33	2720

After Lapin 2017c, fig. 16.1; cf. Lapin 2017a, 420 tab. 2. On the Temple's sacrifices, see also E. Sanders 1992, 103–18.

and one bull per day – but it is more likely, as noted above, that Rome covered the expenses for these sacrifices.

In addition to the regular sacrifices paid for out of the Temple treasury, individuals personally procured the resources for other types of offerings. These voluntary offerings were made by pilgrims and were widespread at Passover in particular. Calculating the quantity of these offerings is especially difficult because such calculations depend on estimates of population size and participation within Judaea as well as among diaspora pilgrims. For 100 percent of a 600,000 person Judaeian population, Lapin estimates that approximately 15,000 pairs of birds and 27,000 lambs were sacrificed.⁹¹ These sacrifices would have cost approximately 286,000 denarii.⁹²

Lapin has demonstrated that between 83,330 and 158,420 hectares of land were required to supply Jerusalem with its subsistence needs as well as the Temple's mandatory and voluntary offerings. These figures indicate that Jerusalem consumed much more than the produce of its immediate hinterland.⁹³ *Columbaria* (dovecotes) for rearing doves (*columbae*) for the Temple have been found in abundance in Jerusalem's immediate environs, but they have also been found at rather considerable distances from the city.⁹⁴ There can be little doubt that the Gospels of Mark, Matthew, and John are correct in their depiction of Jesus encountering merchants selling doves in the Temple precincts. It is surprising that only John includes people selling cattle and sheep, since these must also have been sold at the

⁹¹ Lapin 2017c, 245. Lapin's calculations of one Passover lamb per ten people rely on Josephus's remark that one Passover lamb was eaten by a group of ten to twenty (*B.J.* 6:423; cf. *Exod* 12:4; *Mark* 14:12–17; *Matt* 26:17–20; *Luke* 22:7–16).

⁹² Lapin 2017a, 424.

⁹³ Lapin 2017a, 448.

⁹⁴ Oren 1968; Yigal Tepper 1986; Kloner 2000; Yotam Tepper 2007; Zissu 2009; Lapin 2017a, 446 (map); 2017c, 249, fig. 16.2. Zissu (2009, 30) has made the interesting, although speculative, suggestion that the "tower of Siloam" in *Luke* 13:3–4 was a large dovecote. *Columbaria* are also used as landmarks in the Copper Scroll (3Q15 IX, 1, 17). Similar installations were used to raise doves in Roman Egypt, where the birds were used for food and fertilizer. Numerous well-preserved *columbaria* have been discovered in Karanis, for instance, and the papyri suggest that dovecotes were taxed (Husselman 1953). It is unclear whether they had any direct connection to the economics of temples, however. A Ptolemaic-era document from Kerkeosiris (*P.Tebt.* 84, 119/118 BCE) seems to indicate that the temple of Soknebtunis received a tax on dovecotes, but the typical arrangement was that the tax was paid to the state (Connor 2014, 265). This type of *columbarium* (or *peristerion*) is also discussed in the agricultural handbooks: *Columella, Rust.* 8.8–12; *Varro, Rust.* 3.7. For a discussion of doves as sacred to Astarte-Aphrodite, and sometimes housed in the goddess's temples (e.g., *MAMA* IV 279), see Robert 1971. On bird sacrifices at Greek sanctuaries, see also Villing 2017.

Temple.⁹⁵ The stone fragment mentioned above, which depicts two dead doves, is further proof of the significance of dove sacrifices at the Temple. Zooarchaeological data from Jerusalem's city dump suggests that doves were used for sacrifices but were not regularly eaten by Jerusalem's residents.⁹⁶ Moreover, the majority of caprids sacrificed at the Temple came from the desert regions and thus many caprids were raised at great distances from the Temple in order to be sold to pilgrims in the city.⁹⁷

Because the Jerusalem Temple became a major center of pilgrimage for Judeans during Herod's reign, its economy involved much more than benefactions and offerings.⁹⁸ Again, it is impossible to be sure how many Judeans made pilgrimage to Jerusalem and how often they did so.⁹⁹ For lodging and meals, Lapin estimates that the total annual pilgrim expenditure by Judeans would have been between 173,704 and 347,408 denarii.¹⁰⁰ This tourism industry benefited Jerusalem most of all, but also brought some modest revenues to sites that served as accommodation for pilgrims on their way to Jerusalem. Once pilgrims arrived in Jerusalem, they not only spent money on accommodation and their voluntary offerings, but they also engaged in commerce. In some cases, they also engaged in currency exchange, where they faced additional transaction costs. As we will see, the Torah required that Judeans spend their "second tithe" in Jerusalem. At least some pilgrims would have invested in souvenirs to remember their pilgrimage. These souvenirs would not have been figural representations of God like the "idol shrines" of Artemis, but rather items like stone vessels and Herodian lamps, or in some cases, more expensive luxury items. Through pilgrimage, Jerusalem's Temple economy thus stimulated some economic and cultural integration well beyond the city's walls.

Sacrificial rituals at the Jerusalem Temple involved less lay participation than those at other temples of the Roman East. Whereas non-priestly worshippers often played a part in making offerings and eating sacrificed meat at other temples, at the Jerusalem Temple only the priests had these privileges.¹⁰¹ Notable exceptions included "peace-offerings" and the sacrifice for

⁹⁵ Mark 11:15; Matt 21:12; John 2:13–16. Cf. Lev 1:14, 5:7, 11; 12:6, 8; 14:22, 30; 15:14, 29; Num 6:10; Luke 2:22–4; Josephus, *B.J.* 4:181.

⁹⁶ Spiciarich et al. 2017, 110; cf. Bar-Oz et al. 2007, 10.

⁹⁷ Hartman et al. 2013.

⁹⁸ Goodman 1999; cf. S. Safrai 1965; Hezser 2011, 365–83.

⁹⁹ Lapin 2017a, 425 tab. 4. Rives (2014, 113) remarks that most diaspora Judeans would have made the pilgrimage to Jerusalem no more than one time in their lives, much like with contemporary Muslim pilgrimage to Mecca.

¹⁰⁰ Lapin 2017a, 423 tab. 3.

¹⁰¹ Rives 2014, 113–14, 120.

the festival of Passover. For Passover, groups of pilgrims dined on lambs that they had brought to, or purchased at, the Jerusalem Temple for sacrifice.¹⁰² The majority of sacrifices, however, were fully consumed by fire. Those that were not, such as sin offerings, were consumed by priests rather than the individual who made the offering.¹⁰³ Given the scale of these offerings, a sizeable quantity of sacrificed meat must have been sold on Jerusalem's markets with its profits going to the Temple's priestly elites.¹⁰⁴

Like at the Temple of Bel, Jerusalem's priestly elites would have had special rooms where they engaged in banquets with other elites. It is unclear, however, whether these banquets would have involved special rituals as in Palmyra. Joseph Patrich and Schlomit Weksler-Bdolah have argued that a "Banqueting Hall" building located to the west of Wilson's Arch about 25 meters from the western wall of the Temple Mount was used for the banquets of priestly, royal, and civic elites.¹⁰⁵ This independent structure was built just prior to the construction of Wilson's Arch (ca. 22 BCE) and was used until it was damaged sometime in the first century CE, perhaps by an earthquake in the 30s CE.¹⁰⁶ Formerly known as the "Free Mason's Hall," this building included two *triclinia* (Rooms 21 and 23) with permanent couches along the walls. These dining rooms were separated by an elaborate fountain (Room 22) whose walls were decorated with engaged pilasters crowned with Corinthian capitals from which water flowed forth. The building is located between the Temple Mount and the location of two of the most important administrative buildings in the city, the *bouleutērion* and "Xystus."¹⁰⁷

This Banqueting Hall is a setting in which we glimpse a material representation of the growing power of priestly elites in the Early Roman period. As at other temples of the Roman East, the political influence of priestly elites in Jerusalem reached beyond the Temple. Not only were the high priests appointed by the Herodian kings and Roman governors, but some priestly elites also held municipal offices of various sorts. Families of priestly elites in Jerusalem were wealthy and owned land outside of the city, yet they still benefited from their privileged positions within Jerusalem's economy of the sacred. It is this political enfranchisement that provoked

¹⁰² Rives 2014, 114–15. "Peace offerings": Josephus, *A.J.* 3:225; Philo, *Spec.* 1:212. Passover meals: see n. 92 in this chapter.

¹⁰³ Rives 2014, 114–15; Lapin 2017a, 422, 438.

¹⁰⁴ Spicciarich et al. 2017.

¹⁰⁵ Patrich and Weksler-Bdolah 2016, esp. 31–3; 2017.

¹⁰⁶ Patrich and Weksler-Bdolah 2016, 19. The authors do not supply any supporting archaeological evidence for their assumption about the date that the building went out of use.

¹⁰⁷ Patrich and Weksler-Bdolah 2016, 32–3.

the ire of other elites and sub-elites, such as the scribes who produced the polemical portrait of Jerusalem's priestly elites in the Testament of Moses, a text arguably written in Greek between 6 and 30 CE but preserved only in a sixth- or seventh-century Latin palimpsest:¹⁰⁸

And pestilent and impious men will rule (*regnabunt*) over them [i.e., God's people], who proclaim themselves to be righteous. And they will excite their wrathful souls; they will be deceitful men, self-complacent, hypocrites in all their dealings, and who love to have banquets each hour of the day, devourers, gluttons, [about seven lines missing] destroying ... , who eat the goods of the poor¹⁰⁹ (*...rum bonorum comestores*), saying they do this out of compassion ... destroyers, complainers, liars, hiding themselves lest they be recognized as impious, full of crime and iniquity, from sunrise to sunset saying: "Let us have luxurious seats at the table (*discubitiones et luxuriam*),¹¹⁰ let us eat and drink. And let us act as if we are distinguished leaders." And their hands and minds will deal with impurities, and their mouth will speak enormities, saying in addition to all this: "Keep off, do not touch me, lest you pollute me ... "

(7:3–10)

While every aspect of this vitriolic condemnation should not be considered accurate, two points fit with the other evidence of the changing positions of priestly elites in the Early Roman period. The first is that priestly elites engaged in a distinctive class culture in which they competed for status. They are explicitly depicted as involved in the type of banqueting that would have taken place in the *triclinia* at the Banqueting Hall near the Temple Mount and in the Jerusalem mansions. The second is that these ruling men are cast as using their positions of power – they are distinguished leaders, they say they do things out of compassion, and they claim to be concerned with purity – in order to "eat the goods" of God's people.

It is clear that the authors of the Testament of Moses viewed Jerusalem's priestly elites as politically, ideologically, and economically powerful. The text also alludes to the sources of their wealth by denouncing them for

¹⁰⁸ My translation based on the Latin reconstruction in Tromp 1993. See further Keddle 2013; 2018a, 175–216.

¹⁰⁹ There is a lacuna followed by *-rum* where I have translated "poor," positing *pauperum* as the missing word. This conjecture has been accepted by most commentators but is not certain. In any case, the language here clearly denounces the exploitation of weaker members of society by the priestly elites (Tromp 1993, 212).

¹¹⁰ Although I have provided a different translation, I agree with Tromp (1993, 213) that *discubitiones et luxuriam* is a hendiadys here (cf. Vulg. Deut 21:30). Cf. Q 11:43 (Matt 23:6 // Luke 20:46): πρωτοκλισίαν ἐν τοῖς δείπνοις; Mark 12:39.

eating the goods of the people. This line points to two sources of the wealth that priestly elites earned through their priestly status and positions within the economic organization of the Temple: the consumption of tithes and the consumption of sacrificed meat. The following sections focus on these sources of the wealth of priestly elites – both on the tithes that benefited priestly elites and the Temple taxes that priestly elites allocated to procure the plants and animals offered at the Temple. Both tithes and Temple taxes were institutions that did not change fundamentally in the Early Roman period but appeared to some Judaeans as exploitative because of the political enfranchisement and growing wealth of priestly elites.

Tithes

The priestly contingent of Palestine's elites profited from the Judaeans institutions of tithing and Temple taxation even more than from the institutions of direct and indirect taxation. Because they were not imperial or municipal taxes that directly supported the activities of the state or cities, tithes and the Temple tax should be treated as separate from the structures of direct and indirect taxation that were examined in the [previous chapter](#). While for many Judaeans these cultic impositions were as, if not more, burdensome than state and local taxes, they were technically not obligatory and were far less standardized and regulated.

Tithes were technically distinct from the Temple's sources of wealth because they directly benefited priests and did not go towards Temple expenditures. Nevertheless, tithes were received and administered by the same economic organization that controlled the Temple's other finances. The institutional structure of tithing in the Early Roman period had its basis in the Torah but was beholden to a particular interpretation of the Torah that emerged in the Hasmonean period. Tithing in the Early Roman period was also path dependent on institutional changes that occurred when the Hasmoneans reorganized the Seleucid tithe. The following sections examine the development of the institution of tithing that was inherited by the priestly elites of the Early Roman period.

Conflicting Institutions in the Torah

The structure of tithing finds its basis and justification in the Torah, yet there is nothing uniform about the scriptural prescriptions. The tithe, Hebrew *ma'aser* and Greek *dekatē*, literally refers to a payment of one-tenth of the products of the land, and it appears with various functions in ancient Near

Eastern and Mediterranean states.¹¹¹ The origins of Israel's tithing practices do not concern us here, but their codification does. This section focuses specifically on agricultural tithes because they were simultaneously the least "voluntary," most regularly practiced, and most burdensome of the numerous offerings the sources record the priests receiving (e.g., the gifts of first fruits, heave-offerings, firstborn animals, dough, and wool).

There are two divergent – even contradictory – systems of tithing in the Torah, the Deuteronomic and that in the Holiness Legislation. Most scholars agree that Deuteronomy and the Holiness Code are independent sources that were produced in more-or-less distinctive social settings and convey dissimilar ideologies. The precise relationship between these sources remains a matter of debate, but several scholars have recently made strong arguments in favor of the view that Deuteronomy is the earlier source and served (along with the Priestly source known simply as P) as the basis for the revisionist law of the Holiness Code.¹¹² What matters for our purposes, however, is only that these sources were originally independent and thus have distinctive emphases that have inflected their particular prescriptions about tithes.

Tithing in Deuteronomy involves setting aside a tenth of agricultural produce in each of six years, but only a small portion of this went to the Levites and nothing was reserved for the clan of Aaronide priests. Deuteronomy 14:22–9 commands that every year, a tithe of grain, wine, and oil should be set aside. Deuteronomy calls for farmers to consume their agricultural tithes as well as the firstlings of their flocks and herds in the "place" that is in the presence of God – that is, in Jerusalem. They may sell their tithes and firstlings if the journey is too long to transport them, but then they should spend this money for whatever they desire at their destination. In the third and sixth years of the seven-year sabbatical cycle, however, these tithes should be put into storage locally and then handed over to local Levites, resident aliens, orphans, and widows (14:27–9; cf. 26:12).

The Holiness Legislation, unlike Deuteronomy, unabashedly appoints Levites and priests as the primary beneficiaries of tithing. Leviticus 27:30

¹¹¹ For discussions of the scriptural instructions on tithes and their ancient reception, see Weinfeld 1972; S. Safrai 1976, 818–25; Oppenheimer 1977, 23–50; Herman 1991; E. Sanders 1992, 146–69, 428–31; 2016, 395–431; J. Wilson 1992; Udoh 2005, 244–78; Baesens 2006; Stevens 2006; Satlow 2014b. For a full list of the different types of tithes reported in ancient sources, see Schürer 1973, II: 257–74.

¹¹² See Stackert 2007, esp. 165–208; Nihan 2007; Cholewinski 1976. For the view that Deuteronomy depends on the Holiness Code, see Milgrom 2000, esp. 1357. And for the perspective that the sources are multilayered and are dependent upon one another, see Knohl 2007.

declares that, “all tithes from the land, whether the seed of the ground or the fruit from the tree, are the Lord’s; they are holy to the Lord.” The longer exposition in Numbers 18:21–32 explains that all of these tithes must be given to the Levites in return for their service and because they are not allotted landed property from which to support themselves and their families. The Levites are to eat this produce wherever they wish, make their sacrifices and offerings from it, and then set aside a “tithe of a tithe” (*ma’asér min hamma’asér*) or “heave-offering” (*terumah*) from this to present to the priest Aaron (Num 18:26–9). Generally, then, the priestly ordinances stipulate that all who reside in the land of Israel, which is holy and effectively leased out by God to the Israelites, should pay one tenth of their agricultural products to Levites each year except for the sabbatical (and jubilee) years – that is, 8.6 percent as an annual rate. The Levites must then hand over one-tenth of the tithes they receive to the priests. Leviticus 27:32–3 adds that domestic animals should also be tithed.

Changes under the Hasmoneans

Over the course of the Second Temple period, these conflicting scriptural injunctions were variously disputed, harmonized, or disregarded. There is not enough data available to track precisely the changing institutions of tithing during the Second Temple period, but a flurry of literary references suggests that tithing was indeed practiced by some Judeans throughout the era. The most significant shifts in the institutions of tithing that shaped their practice in the Early Roman period transpired during the late Hellenistic period. Under the Hasmonean priest-kings, two changes occurred: a fourteen-tithe system (per sabbatical cycle) was introduced and Aaronide priests began taking the Levitical tithes.

When the Hasmoneans gained fiscal independence from the Seleucid kingdom, they reformulated the Seleucid institution of tithing in light of the scriptural traditions. The Hasmoneans made tithes a source of revenue for both the Temple and the state. Throughout their kingdom, the Seleucids collected land taxes from cities, temples, and peoples that included proportional tithes (*dekatai*), which often, but not necessarily, amounted to a tenth of the produce.¹¹³ For instance, an inscription from 163 BCE mentions the Sidonians of Jamnia paying a tithe to the Seleucid king Antiochus V Eupator.¹¹⁴ In addition to other agricultural taxes, Jerusalem also had to pay

¹¹³ Bickerman 1938, 106–32; Aperghis 2004, 142–4.

¹¹⁴ CIIP III 2267, l. 12.

tithes to the Seleucids on behalf of the Judaeans.¹¹⁵ As Bezalel Bar Kochva has argued, after gaining independence in 141 BCE, the Hasmoneans seem to have replaced the external Seleucid taxes with the internal “first tithes,” using much of their revenue to employ mercenaries.¹¹⁶ The difference between the Seleucid and Hasmonean institutions of tithing may have been little more than ideological, especially if the Seleucid tithe was also regulated by the Temple.

In the Hasmonean era, observant Judaeans paid two tithes. The “first tithe” (*ma‘áser ri’shon*) was based on the Holiness Legislation and the “second tithe” (*ma‘áser sheni*) was based on Deuteronomy. E.P. Sanders has shown that Tobit, Josephus, and possibly Jubilees each assume a fourteen-tithe system. Judaeans paid the “first tithe” to the Levites or priests and used the “second tithe” for personal expenditure in Jerusalem six years out of the seven-year cycle (i.e., twelve tithes per seven years). In years three and six, they also paid a “third tithe” which was intended for the poor, widows, and orphans (i.e., two additional tithes per seven years for a total of fourteen tithes over seven years).¹¹⁷ Since the “second tithes” were consumed by their contributors (six tithes per seven years), only eight tithes of 10 percent each were given away over a seven-year cycle, amounting to an annual burden of 13.33 percent.¹¹⁸

This is similar to the rabbinic system, except that the third tithe becomes the “tithe for the poor” (*ma‘áser ‘oni*) and fully replaces the “second tithe” in years three and six, yielding a twelve-tithe arrangement but with the same annual rate for tithes given away.¹¹⁹ The rabbis also stipulated that, prior to

¹¹⁵ 1 Macc 11:35.

¹¹⁶ Bar-Kochva 1977.

¹¹⁷ Tob 1:6–8 (the G^{II} [MS S] recension attests to fourteen tithes while the shorter and later G^I [MSS AB] recension has eighteen tithes); Jub. 32:10–14; Josephus, A.J. 4:69, 205, 240. Cf. Tg. Ps.-J. on Deut 26:1–13. See Jeremias 1969, 134–8; Schürer 1973, II: 264 n. 23; E. Sanders 1992, 149; Udoh 2005, 246–8.

¹¹⁸ E. Sanders 1992, 166.

¹¹⁹ The primary tannaitic sources on the first, second, and poor tithes are m. Ma‘aś, m. Ma‘aś Š., and m. Pe‘ah. See Satlow 2014b, 320–2; E. Sanders 1992, 149. The tithe for the widows, poor, and orphans is based on Deut 14:28; 26:12, and is described as the “third” tithe in Josephus, A.J. 4:240. In the Second Temple period, it was a tithe set aside not only for the poor but also for widows and orphans. Widows and orphans would often have been poor, but not always (e.g., Babatha and her son Jesus). The rabbis restricted the recipients of this tithe to only the poor (m. Pe‘ah 8:2–6; t. Pe‘ah 4:1–7). As G. Gardner (2015, 31–2) has explained, the poor tithe was not akin to charity (חֲסִדָּה) because it was not given directly from farmers to the poor, but rather was administered by the Levites and attributed to divine benefaction rather than human agency. Gardner contends that “organized charity” apart from civic euergetism did not exist in Second Temple Judaism and notes that even the rabbinic institutions of organized charity were kept separate from the poor tithe (m. Pe‘ah 4:16).

the separation of tithes for Levites (from which the tithe for the priests is taken), farmers must give a separate heave-offering (*terumah*) to the priests in the amount of somewhere between one-thirtieth and one-sixtieth depending on one's economic stability (m. Ter. 4:3). Especially since there is no solid scriptural basis, it is doubtful that separate heave-offerings were given to priests in the Second Temple period.¹²⁰ Even the tithes of livestock, which are based on Leviticus 27:32–3, were apparently not regularly offered by most Judaeans.¹²¹ The ambiguity of the Torah on tithes resulted in a diversity of tithing customs and even conflict over proper procedure. Jesus's indictment of the Pharisees in Q 11:42 for tithing mint, dill, and cumin is one example of such a dispute.

Aside from the types, amounts, and frequency of tithes, Judaeans also contested whether the beneficiaries of the “first tithe” should be Levites or priests. As early as Ezra-Nehemiah, priests are found closely supervising Levites as they collected tithes. The Levites even deserted their Temple duties at one point, retreating to their fields in protest because they did not receive their portion of the tithes (Neh 13:4–13).¹²² By the Hellenistic period, the majority of references to tithes list their recipients as “priests and Levites” or just “priests.”¹²³ Because tannaitic sources credit “Yoḥanan

¹²⁰ It is possible that Neh 10:38–40 [Eng. 37–9] considers תרומה as separate offerings, but this is not plain in the text and would seem unlikely since other Second Temple sources – notably Philo in *Spec.* 1:132–57 and Josephus in *A.J.* 4:68–75 – are silent about heave-offerings of the rabbinic sort. CD and 4QMMT have a distinctive concept of the תרומה, but it is unclear how different it was from, for instance, the first-fruits offerings. Moreover, the sectarian understanding of תרומה in the scrolls was, if anything, a point of distinction from more widespread practices at the time (Murphy 2002, 71–4, 219–20). Despite admitting the relative silence of the Second Temple sources, E. Sanders (1992, 155) maintained the tenuous position that תרומה were offered to priests before 70 CE.

¹²¹ A livestock tithe is conspicuously absent in Philo, *Spec.* 1:132–57; Josephus, *A.J.* 4:68–75. See Udoh 2005, 275–7, especially his insightful discussion of 4QMMT's stipulation that livestock should be tithed to the priests (B 63–4), which implies that the majority of Judaeans did not observe this tithe. See also E. Sanders 1992, 150.

¹²² Cf. Neh 10:38–40 [ET: 10:37–9]; 12:44. See S. Safrai 1976, 821; Oppenheimer 1977, 38.

¹²³ E.g., 1 Kgdms 1:21 LXX (contra MT); Jdt 11:13; Jub. 13:25–7; 32:1–15; Pseudo-Hecataeus apud Josephus, *C. Ap.* 1:188; T. Levi 9:3–4; Josephus, *A.J.* 9:273; 11:182; 20:181, 205–7; *Vit.* 63, 80. Udoh (2005, 248–58) has taken great pains to explain away references to priests receiving tithes, following J. Baumgarten 1984. He concludes that only Jubilees and the Testament of Levi actually imagine priests as the beneficiaries of tithes to the exclusion of Levites, but he attributes this to their polemical purpose (254). While I agree with Udoh that Philo uses the term δεκάτη broadly for offerings to priests (*Virt.* 95) but seems to actually accept the allocation of tithes between Levites and priests in Num 18:21–32 (*Spec.* 1:156–7; *Mut.* 2, 191–2), I am not convinced that Philo is a reliable source for the social aspects of tithing in Palestine. On the contrary, he speaks of tithes in theoretical terms as part of his broader exegetical aims. As for Pseudo-Hecataeus, I reject Udoh's claim that this author was not Judaeans and thus was not aware of such subtle distinctions in tithing

the high priest,” presumably referring to John Hyrcanus I (but possibly to Hyrcanus II), with doing away with the avowal “I have given it to the Levites” (Deut 26:13), it has become conventional to assume that the Hasmoneans were responsible for arrogating the Levites’ tithes for the priests.¹²⁴ Udoh has pointed out, however, that scholars have marshaled from these sources incompatible theories of the purpose and conditions of this reappropriation.¹²⁵ Did the Hasmoneans reroute “first tithes” to themselves (i.e., the state coffers), or to all of the priests? Was the change a reaction to priests taking tithes or the introduction of this practice? The late rabbinic sources are unable to answer these fundamental questions.

In any case, “first tithes” were evidently a priestly prerogative by at least the Hasmonean era. Scholars who have not opted for a version of the Hasmonean appropriation hypothesis have gone to great lengths to explain away the literary references to priests receiving tithes. Joseph Baumgarten, for instance, has argued that the terms for tithe (*ma‘aser/dekatē*) maintained their fundamental meaning of one-tenth of produce for Levites but also started to be used in a general sense to refer to heave-offerings and other offerings given to priests.¹²⁶ Thus, the terminology became more

practices (see L. White and Keddie 2018, 222–6). It should also be remembered that the genuine Hecataeus of Abdera (who was not a Judaeon) also specified that priests received greater revenue than other Judaeans so that they could attend to the worship without distraction (Diodorus Siculus 40.3.7). As noted in Chapter 2, however, Hecataeus in this problematic passage portrayed priestly revenue deriving from their larger allotments of land rather than from tithes. Pseudo-Hecataeus in a sense corrected the genuine Hecataeus, whose work he used as a source, by indicating that priests received much of their revenue from tithes (though not to the exclusion of owning their own land). Furthermore, it is of little value that Josephus mentions Levites receiving tithes in his rewriting of scriptural sources when he conspicuously does not mention Levites receiving tithes in the rest of his historical narrative. Josephus leaves little doubt that priests collected tithes. Although he did not omit Levites from his scriptural rewriting, he tended to modify his scriptural sources by attributing tithes to Levites and priests rather than Levites alone. Altogether, the argument for relative continuity between the Torah and the Mishnah in the allocation of tithes is much more difficult to justify. I am inclined to view the two sources from the Hellenistic and Roman periods that do portray Levites as the exclusive recipients of tithes of produce, 11QT LX, 4–10 and Tob 1:6–8 (G^{II} [MS S], the long recension), as exceptions motivated by special purposes. Tob 1:6–8 in the shorter G^I recension (MSS BA) has the tithes of produce given to both priests and Levites, but this should be considered a later text form than G^{II} (MS S) that was concerned with simplifying G^{II}’s prose and eliminating its Semitisms (Fitzmyer 2003, 4–5, 107–8).

¹²⁴ M. Ma‘aš. Š. 5:15; m. Soṭah 9:10. Cf. y. Ma‘aš. Š. 5:5; y. Soṭah 9:11. See Schürer 1973, II: 270; Weinfeld 1972; S. Safrai 1976, 822; M. Stern 1976, 585–6; Oppenheimer 1977, 38–42; Bar-Kochva 1977, 187–9; Freyne 1980, 281–7; Hamel 1990, 148; Stegemann and Stegemann 1999, 122–3.

¹²⁵ Udoh 2005, 268.

¹²⁶ J. Baumgarten 1984.

general, but scriptural law remained the rule. Udoh has mostly followed Baumgarten on the terminology, but he concluded instead that both priests and Levites received tithes in their hometowns throughout the Second Temple period and that no priestly appropriation occurred.¹²⁷

Udoh is right to problematize the idea of a dramatic alteration in tithing under the Hasmoneans, but he has overlooked two significant issues. First, Caesar's decree of 47 BCE explicitly restores the authority of Hyrcanus and his sons to receive and administer tithes. For Udoh, this does not imply that the Hasmoneans had appropriated tithes but only that through Hyrcanus's position as head of the Temple-state, Caesar confirmed the traditional practice of tithing to Levites and priests.¹²⁸ Yet, the language of the decree explicitly returns to Hyrcanus and his sons a privilege that they formerly enjoyed: "they shall also pay the tithes to Hyrcanus and his sons, which they also paid to their forefathers."¹²⁹ That Caesar's decrees intended to recognize not only Hyrcanus's supervisory power over tithing but also the authority and privileges specific to the priesthood of which Hyrcanus was a part is evident in the previous decree: "Gaius Caesar ... has granted that both [Hyrcanus] and his sons shall be high priests and priests of Jerusalem and of their nation with the same rights and under the same regulations as those under which their forefathers uninterruptedly held the office of high priest."¹³⁰

These decrees conceptualize tithes as the property of "Hyrcanus and his sons" – a circumlocution for the "high priests and priests of Jerusalem," who are connected by office and genealogy to their forefathers.¹³¹ It is plausible that the decrees, because they represent an outside perspective, overlooked differences between the priestly orders or employed *dekatai* broadly as "offerings." But it is difficult to accept that these decrees entirely mistook the position of the Hasmonean priests as beneficiaries of ample revenue from the people on the basis of their office and lineage, particularly considering that Caesar's decrees are concerned on the whole with establishing an official balance sheet between Hyrcanus II and Caesar for Judaea's finances. The implication is not that the Hasmoneans took over the administration of tithing but that, by virtue of their position, the high priests had always personally profited from tithes. The decrees do not clarify whether

¹²⁷ Udoh 2005, 274.

¹²⁸ Udoh 2005, 270. See also E. Sanders 1992, 514 n. 24.

¹²⁹ Josephus, *A.J.* 14:203: ... καὶ Ὑρκανῶ καὶ τοῖς τέκνοις αὐτοῦ τὰς δεκάτας τελέωσιν ὡς ἐτέλουν καὶ τοῖς προγόνοις αὐτῶν.

¹³⁰ Josephus, *A.J.* 14:199.

¹³¹ See also Oppenheimer 1977, 35.

the Hasmoneans apportioned part of the tithes they collected for initiatives not related to the Temple, but it stands to reason that they did.

Second, Udoh's explanation that Levites and priests shared rights to tithes assumes that there was a lower order of priests who self-identified as Levites throughout the Second Temple period, but this is not so clear. Levites are nowhere to be found outside of literary, often polemical, constructions in the Hellenistic and Early Roman periods. In the New Testament, for instance, the Levite in Luke's Good Samaritan parable appears along with a priest as reluctant to help a person who may convey impurity (10:32) – a theological device in a story navigating the nexus of *halakhah* on priestly purity and neighbor-love.¹³² In John, Levites appear once in unison with priests as representatives of “the Judeans” (1:19) while Hebrews asserts that Jesus as high priest brought to perfection what the Levites could not (7:1–28). Furthermore, Acts of the Apostles 4:36 describes the Cypriot Barnabas as a Levite who owned land. Here again, Luke may characterize a Levite as owning land, contradicting the Torah, in order to cast his selling of the land to support the apostles as symbolic of covenant restoration.¹³³ Aside from these references,¹³⁴ Levi and Levites are invoked in texts such as the Aramaic Levi Document, Jubilees, the Testament of Moses, and the sectarian literature from Qumran to critique the current Temple priests and articulate a priestly identity separate from them.¹³⁵ Levites are nowhere to be found in the Maccabean books.

The only time Josephus mentions Levites separately from priests outside of his rewriting of the scriptures is when the Levites sought and received the approval of Agrippa II and the *synedrion* to wear the same linen garments that priests wear.¹³⁶ “Levites” here is a metonym for those priests who were

¹³² Bauckham (1998, esp. 486) observes that the command to avoid corpse impurity in Lev 21:1–4 is directed to the sons of Aaron (21:1), and thus was probably not extended to the Levites. As a character, the Levite in the parable complicates the halakhic scenario Jesus's parable sets up since the priest who approached the victim first was required by Torah to avoid corpse impurity and the layperson who came last was not.

¹³³ Cf. Acts 3:19–26. Note that Paul's letters nowhere describe Barnabas as a Levite (Gal 2:1–21; 1 Cor 9:6).

¹³⁴ See also the patently theological depiction of Levites in Heb 7.

¹³⁵ For a survey of sources, see, among others, Brooke 1993; Werman 1997; Kugler 1999; Angel 2010, 278–93. See also Himmelfarb 2006, 45–52. On Levites in the Testament of Moses, see Keddie 2018a, 208–11.

¹³⁶ Josephus, A.J. 20:216–18. Cf. Exod 39:27–9; Lev 16:4; Ezek 44:17–18; Philo, *Spec.* 1:82–4. Begg (2004) addresses Josephus's references to Levites, taking for granted that Levites were a social group separate from priests in Josephus's time. Begg concludes that Josephus presents a mixed opinion on Levites, sometimes denigrating them, but not consistently. Aside from the dispute over garments, the only other time Josephus mentions Levites in the narration beyond the period for which he relied on scriptural sources is when Onias IV appointed priests and Levites to serve at the Leontopolis temple (A.J. 13:63, 73).

“singers of hymns” (*hymnōdoi*) at the Temple. To be sure, Josephus conveys with this incident his elitist contempt that those priests he deemed socially inferior would wear the same garments as he and his colleagues wear, but he only labels them as Levites in order to invoke the Torah as evidence that special garments should be reserved for priests of his own stature. The story itself suggests the opposite, that priests responsible for more remedial tasks in the Temple worship were self-identifying not as Levites but as priests.

Levites are also absent from the Early Roman epigraphic record. This absence is striking since the title “priest” often appears on ossuaries. Moreover, it is suggestive that a priest and not a Levite appears to be the recipient of a tithe according to a curious ostrakon from Masada inscribed *ma‘éśar kohen* (“the priest’s tithe/tenth”).¹³⁷

Altogether, it is difficult to escape Cana Werman’s conclusion that “there were no Levites in the Second Temple period.”¹³⁸ The only descendants of Levi were the Aaronide/Zadokite priests. Even if some Judaeans claimed lineage through Levi that was distinct from Aaronide descent, this was not the basis for an entire social order within the priesthood. Especially because the Torah mandates that Levites receive tithes, which involved a great deal of revenue, it is remarkable that our Hellenistic and Early Roman sources almost never portray Levites acting apart from priests. Whenever the title Levite was invoked or elevated, this figure performed some sort of halakhic, polemical, or functional distinction from priests, but there was no organized order of Levites that self-identified as inferior to priests.¹³⁹ Thus,

¹³⁷ O.Masada 441; Yadin 1966, 96. J. Baumgarten (1984, 251 n. 32) contends that the Masada ostrakon refers to the “priestly portion of the levitic tithe.” Udoh (2005, 255) admits that this is “far from certain.” On the priests named in ossuary and tomb inscriptions, see Chapter 5. I know of no inscriptions mentioning Levites in the Early Roman period. However, CIIP III 2182 is the funerary inscription of a Levite from third- to sixth-century CE Joppa. Additionally, Levites are recorded in several late antique synagogue inscriptions (Naveh 1978, nos. 1, 14, 33, 80, 82). These inscriptions communicate that in the centuries following the Temple destruction, identifying as a Levite according to genealogy translated to social prestige within Judaeans communities. The function of Levites within those communities, however, was indistinguishable from priests (Weiss 2012, 101).

¹³⁸ Werman 1997, 215 (contra Brooke 1993 in particular).

¹³⁹ Complicating Werman’s thesis, Angel (2010, 289) points out that CD XIII, 3–4 depicts a Levite in a concrete social situation within the community. This passage allows that a Levite may stand in for a priest learned in the Book of Hagu if the latter is not available for a *quorum*. But this passage is not particularly strong evidence of actual Levites. On the one hand, it is firmly based on the organization of the wilderness community (Exod 18:21–5) in which priests and Levites were the authority figures. On the other hand, Hempel (2000, 40) has argued that this section of CD betrays redactional activity by which a greater emphasis was placed on the authority of the Instructor instead of priests and Levites (cf. CD XIII, 7–XIV, 2). Nevertheless, this community might have included individuals identified as Levites. If so, this authoritative presence of those distinguished

Udoh's conclusion that tithes were given on an individual basis to Levites or priests as a person saw fit may be too quick to accept that Levites were a concrete part of the social fabric of Palestine. On the contrary, priests alone received tithes because there were no socially distinct Levites.

Tithing in the Early Roman Period

As the beneficiaries of tithes, the position of priests within the institutional structure of tithing remained relatively unchanged with the beginning of the Early Roman period. That Caesar guaranteed Hyrcanus II's role in the administration of tithes does not imply that tithes were not offered in Pompey's wake but only that they did not systematically benefit the state as they had when the Hasmonean rulers had political autonomy. Under Herod, tithes still enhanced the power and wealth of the priestly elites, but now the leading priestly families were empowered by and loyal to Herod. There is, however, no indication that the Herods appropriated any of the revenue from tithes.

Instead, the repositioning of priestly elites within the institutional structures of taxation and land tenancy in the period between Herod and the Temple destruction rendered tithes unnecessary and ostensibly exploitative in the opinion of certain critics. Flaunting his wealth and magnanimity, Josephus crowns in his *Vita* that, "I scorned all presents offered to me as having no use for them. I even declined to accept from those who brought them the tithes, which were due to me as a priest."¹⁴⁰ Just earlier in this work Josephus relates that some of his fellow priestly elites, who joined Josephus in procuring the support of the *boulē* of Tiberias for demolishing the palace of Antipas, had "amassed a large sum of money from the tithes which they accepted as their priestly due" (63). It was not from the tithes alone that these priests became wealthy, for these influential priests were undoubtedly landowners like Josephus himself.

For the people tithing, little would have changed in the Early Roman period in terms of the amount of the tithes or their beneficiaries and collection. As in earlier eras, priests primarily collected first tithes at the

as Levites did not carry over to the rest of Judaeian society but was an expression of differentiation from the Temple priesthood. As Angel (2010, 292) puts it, "the Qumranites at some point became attracted to the Levi and Levite traditions because, within their own polemical context, they identified with the second-class status of Levites vis-à-vis the priests." See also Kugler 1999. Leuchter (2011) observes that many of the duties of Levites became the domain of priestly sage-scribes by at least the Hellenistic period.

¹⁴⁰ Josephus, *Vit.* 80. Cf. Philo, *Spec.* 1:153.

Jerusalem Temple and deposited them in central storage facilities there, but they must also have engaged in some local collection by making use of storehouses in cities and villages.¹⁴¹ From the storehouses in Jerusalem and presumably elsewhere, tithes were doled out to priests, who would have consumed some of their portion and sold any surplus through local markets. Judeans practiced tithing across the geopolitical divisions of Eretz Israel, including in the Galilee,¹⁴² but it is doubtful that diaspora communities sent some form of tithes to Jerusalem in addition to the Temple tax.¹⁴³

Since tithing was technically a voluntary obligation of the Temple, not the state, it is safe to assume that not all Judeans tithed.¹⁴⁴ However, in the run-up to the First Revolt, Josephus reports that,

Now the high priest Ananias daily advanced greatly in reputation and was splendidly rewarded by the goodwill and esteem of the citizens; for he was able to supply them with wealth. At any rate, he daily paid court with gifts to Albinus and the high priest [Jesus]. But Ananias had servants who

¹⁴¹ Udoh 2005, 263–73. Storehouses for agricultural tithes that have been discovered in Sicily (Walshall 2013) were probably comparable in size and function even though the Sicilian institutions of tithing were quite different from the Judean institutions.

¹⁴² Freyne 1980, 281–7; Horsley 1995b, 140–4.

¹⁴³ Although no Second Temple sources explicitly indicate that tithes were transmitted from the diaspora and several rabbinic sources even relate that tithes from the diaspora (which were from unconsecrated land) were not accepted (e.g., m. Hal. 2:2), Oppenheimer (1977, 49–50) and E. Sanders (2016, 416–17) nevertheless assert that diaspora Judeans paid some form of tithes to the Temple. The only evidence for this claim is the ἀπαρχή charge of 1 drachma per annum added to some of the later Ἰουδαϊκὸν τέλεσμα receipts from Egypt (CPJ 167–80, 183, 186, 210, 213; cf. Josephus, B.J. 7:218). Oppenheimer and Sanders think this additional capitation tax was imposed as a diversion of first-fruits offerings diaspora Judeans had paid to the Temple priests prior to 70 CE along with the Temple tax, the latter of which the Ἰουδαϊκὸν τέλεσμα (originally 8 Egyptian drachmae [= 2 Attic drachmae = 2 Roman denarii] plus a surcharge of 2 obols) explicitly replaced. This theory is highly unlikely for several reasons. First, it cannot explain why the earliest receipts do not show this charge (CPJ 162–6). Second, not even all of the later receipts included this charge (CPJ 205, 208), while multiple others apparently incorporated it but did not list it (CPJ 201, 204, 210). Third, although its origins and nature are not entirely clear, the ἀπαρχή charge appears in other documents from Egypt not involving Judeans and seems to have served several purposes (e.g., BCU I 30; P.Tebt. 316; PSI V: 464; PSI VI: 690; SB III 6995–6; see Wallace 1938, 277). Indeed, the ἀπαρχή charge on the Ἰουδαϊκὸν τέλεσμα receipts is better understood as a miscellaneous capitation tax or additional administrative surcharge (cf. Smallwood 2001, 374). The suggestion of Wallace (1938, 176) and Heemstra (2010, 15) that this tax was originally paid to the Leontopolis temple is more appealing than the theory that it involved the Jerusalem Temple, but it cannot yet be substantiated.

¹⁴⁴ Unfortunately, there are no archaeological data available to illuminate tithing in the Early Roman period. To my knowledge, the only material evidence directly related to tithing is a sixth- to seventh-century CE synagogue inscription from Rehov (Naveh 1978, no. 49). See Satlow 2014b, 326; E. Sanders 2016, 422.

were utter rascals and who, combining operations with the most reckless men, would go to the threshing floors and take by force the tithes of the priests (*tas tōn hiereōn dekatas*); nor did they refrain from beating those who refused to give. The high priests were guilty of the same practices as his slaves, and no one could stop them. So it happened at that time that those of the priests who in olden days were maintained by the tithes now starved to death.¹⁴⁵

Although we should be skeptical of Josephus's claim that some priests died because of the cupidity of Jerusalem's priestly elites, it is indeed plausible that there were less wealthy (though not destitute) priests who were not given their fair share by the priestly elites of Jerusalem.¹⁴⁶ Perhaps this situation is best understood as specific to the economic circumstances leading up to the revolt; yet Palestinian amoraic sources purport to preserve a similar situation in which certain priests took tithes by force in the Hasmonean era.¹⁴⁷

At any time, there were likely to have been more powerful priests who sought out a greater portion of the tithes to the detriment of other priests. Josephus's detail that the high priests' slaves – perhaps the same slaves who collected certain direct and indirect taxes for the priestly elites – took the tithes belonging to the priests “by force” indicates that this violence was directed against those who produced the tithes at local threshing floors before the produce was transmitted to local priests. This violent economic relationship may not have been the norm, but it demonstrates that tithing was often more than a voluntary halakhic duty for Judaeans.

As institutions that sustained socioeconomic inequalities under the rubric of divine mandates, tithes required all farmers to transfer a considerable portion of their products – a total of 8.6 percent annually for “first tithes” – to those who could not abandon the worship of God to afford their own subsistence. But the Torah made no provision for what to do if priests became wealthy through land tenancy and taxation and thus did not actually rely on tithes. Therefore, tithing continued through the Early Roman period and beyond. As with the Roman land tribute, those particularly burdened by tithing were smallholders and tenants. Non-priestly large-scale landowners in sharecropping arrangements took a hit, since tithes were separated before the landowner and tenant split their portions. Landowners who leased their land through fixed rent contracts shouldered less of the

¹⁴⁵ Josephus, A.J. 20:205–7; cf. 20:181.

¹⁴⁶ Contra E. Sanders 1992, 512 n. 3; Udoh 2005, 271–2.

¹⁴⁷ Y. Ma'as. Š. 5:5; Soṭah 9:11. See M. Stern 1976, 568–9; Udoh 2005, 267–8.

burden since fixed-rent tenants usually paid the tithes; yet allowances for tithing constrained the amount of rent they could exact from their tenants. As Michael Satlow has detected, tithing gave priestly landowners a significant economic advantage over other landowners since their land was not only tithe-exempt, but they were eligible to receive tithes from others despite their own holdings. A theoretical check on this system, however, was that the more land priests owned, the less tithes they received.¹⁴⁸

Tithes seem to have always been institutions of inequality that facilitated the transfer of resources to a politically influential minority. These tithes, however, were ideologically construed as institutions of equality that gave priests access to those resources they forfeited in order to preside over the Temple worship on behalf of the people. Once priestly elites gained greater power as the beneficiaries of the institutions of the *polis*, land tenancy, direct taxation, and indirect taxation, however, the continued collection, or even forceful exaction, of tithes only widened the inequality gap. Temple and Torah were the sources of authority that facilitated this unequal economic relation.

The Temple Tax

The payment of an annual half-sheqel Temple tax by Judaeans in the homeland and diaspora emerged relatively late, towards the middle or end of the Hasmonean period. In this way, it differs from the other institutions analyzed thus far.¹⁴⁹ This did not stop its priestly beneficiaries, however, from interpreting it as an obligatory payment of sacred money to support the ancient and divinely mandated worship at the Temple.

The Temple tax was a Hasmonean innovation of an earlier practice referenced in the Torah and other sources. Its earliest mention is in Exodus 30:13: “This is what each one who is registered shall give: a half-sheqel according to the sheqel of the sanctuary (the sheqel is twenty gerahs), a half-sheqel as an offering to the Lord.”¹⁵⁰ In connection with a (military)

¹⁴⁸ Satlow 2014b, 331.

¹⁴⁹ On the Temple tax, see Liver 1963; Schürer 1973, 2:270–4; Horbury 1984; Stegemann and Stegemann 1999, 115, 119–22; Magness 2002, 188–92; Udoh 2005, 87–99; Ariel and Fontanille 2012, 15–17, 31, 41–2.

¹⁵⁰ Exod 30:13 LXX has τὸ ἥμισυ τοῦ διδράχμου for מִחֲצִית הַשֶּׁקֶל in the MT (cf. Neh 10:33 LXX). The LXX usually translates שֶׁקֶל with διδράχμων, probably because the Egyptian exchange rate at the time of the LXX translation was 1 sheqel = two drachmae as in the Elephantine papyri (Liver 1963, 182 n. 18). Considering that the rate was ½ sheqel = 2 Attic drachmae in the Roman period, it is surprising that there are not significant variations in the textual witnesses to this LXX verse.

census of the Israelites in the wilderness, this tax's explicit intent was to be "a ransom for their lives to the Lord, so that no plague may come upon them for being registered" (Exod 30:12). It should be paid once-for-life by each of the "children of Israel," regardless of whether they are poor or rich (Exod 30:15). In the early Second Temple period, a version of this tax was collected for the maintenance of the Temple, but its rate was one-third of a sheqel and it was an annual (*bashanah*) tax "for the service of the house of our God" according to the prescriptive testimony of Nehemiah (Neh 10:32 [LXX 10:33]).¹⁵¹

The Temple tax is not mentioned again in our sources until Cicero discusses it at the very beginning of the Early Roman period. In Cicero's words, "It was the practice each year to send gold to Jerusalem on the Judaeans' account from Italy and all our provinces, but Flaccus issued an edict forbidding its export from Asia" (*Flac.* 28.67). After referring to this edict issued by his client L. Valerius Flaccus in 62 BCE as proconsul of Asia, Cicero goes on to describe all of the gold Pompey observed but did not plunder when he entered the Temple in 63 BCE, implying that this gold was exported from Italy and the provinces to the Temple.¹⁵² The hefty sum of gold sent by the Asian Judaeans communities, which Cicero reports was confiscated in several assize-cities (*Flac.* 28.68–9), may not have been just the usual Temple taxes but rather an emergency fund gathered in response to the news of Pompey's subjugation of Palestine.¹⁵³

There are, however, several reasons to conclude that Cicero was referring to Temple taxes. Cicero presumes a connection between the gold of the diaspora communities and the gold Pompey witnessed in the Temple. He also specifies that Judaeans were accustomed to sending money on an annual basis (*quotannis*). Additionally, Strabo comments that Mithridates captured 800 talents of gold that Judaeans from Egypt (or Asia, according to Josephus) had stored in Cos in 88 BCE, insinuating that it too was in transit to the Temple.¹⁵⁴ These references betray the financial interest of diaspora

¹⁵¹ Cf. 2 Chr 24:5–14; 34:8–14 (with 2 Kgs 12:5–17; 22:3–7). Schürer (1973, II: 271) considers Exod 30:11–16 a late addition to the "Priestly Code," assuming that the lower tax in Nehemiah must have preceded it. However, Schürer overlooks that Nehemiah's Temple tax actually involves a much greater tax exaction since it was annual as opposed to once-for-life.

¹⁵² Liver 1963, 186; M. Stern 1976–84, I: 196–201; Smallwood 2001, 126; Udoh 2005, 91. As Harris (2013, 522) observes, since at least his consulship, Cicero was adamantly opposed to the export of gold out of Italy particularly because of the credit risks it posed (*Vat.* 12).

¹⁵³ Marshall 1975.

¹⁵⁴ Strabo apud Josephus, A.J. 14:111–13. See M. Stern 1976–84, I: 272–4; Broshi 2001, 192. We cannot be entirely certain that Strabo refers to Temple taxes intended for Jerusalem, for he could also refer to other funds a Judaeans community had deposited in Cos (Marshall

Judaeans in the Temple prior to 63 BCE, and Cicero's understanding of the transaction as an annual practice points distinctly to the Temple tax, even if the 62 BCE transfer was a special instance.

Further corroboration that the Temple tax was collected in the Hasmonean period is the implicit rejection of the tax in several of the Qumran documents, which follow the Torah in considering the tax a once-for-life payment. As Jodi Magness has argued, those in the Qumran community (and their associates outside Qumran) likely paid a once-for-life Temple tax upon becoming initiated into the community, or "registering" therein.¹⁵⁵ Prior to Pompey's conquest, probably as a Hasmonean initiative, a half-sheqel started to be collected annually from all Judaeans.¹⁵⁶

The cost of the Temple tax in the Early Roman period was half of a sheqel, or 2 Attic drachmae/Roman denarii, for each non-priestly male Judaeans over the age of 20 per year (Exod 30:14).¹⁵⁷ The majority of information that has survived regarding the logistics of this institution comes from Mishnah Šeqalim. Although recorded a century and a half after the Temple destruction, this tractate contains many details that may have plausibly characterized the Second Temple practice.¹⁵⁸ According to this source, the Temple tax was paid in one of three ways: personally at the Temple (particularly during the pilgrimage festivals) (3:2), through a messenger (2:2), or as a communal collection (especially for Judaeans living far from Jerusalem, like the community of Asia) (2:1). Philo of Alexandria similarly noted in the early first century CE that representatives called *hieropompoi* were tasked with transmitting the Temple taxes of diaspora communities (among other offerings) to the Jerusalem Temple.¹⁵⁹

According to Mishnah Šeqalim, the tax was used by the Temple priests to purchase animals for public sacrifices and goods for other types of offerings (1:1; 4:1). It could also be used for broadly defined infrastructural development to prepare Jerusalem for the influx of pilgrims during festivals. This included preparing *miqva'ot* and marking trench graves (so as

1975, 147–8; Ariel and Fontanille 2012, 16). A couple of generations later, Nicolaus of Damascus's speech advocating for the rights of the Judaeans of Ionia before Marcus Agrippa also addresses, among other alleged violations, threats to the right of Judaeans to transfer sacred money to the Jerusalem Temple (Josephus, *A.J.* 16:45; cf. 16:28). Baesens (2006, 186) suggests that the payment of Temple taxes by Judaeans in the diaspora was facilitated by Pompey's suppression of piracy and the integration of the Roman Empire.

¹⁵⁵ 4Q159 I, 6–7; 11QT XXXIX, 7–8. See Liver 1961; Magness 2002, 190; Murphy 2002, 314.

¹⁵⁶ A. Baumgarten 1996, 199–202; Regev 2013, 73–81.

¹⁵⁷ Philo, *Spec.* 1:77; Josephus, *A.J.* 18:312–3.

¹⁵⁸ Ariel and Fontanille 2012, 41.

¹⁵⁹ Philo, *Spec.* 1:78; *Legat.* 156, 216, 312, with Trotter 2018. Cf. Josephus, *A.J.* 18:313.

to prevent pilgrims from walking over them) as well as maintaining roads, the aqueduct, city-walls and towers, and supporting other Temple-related and municipal projects (1:1; 4:1–5).¹⁶⁰ Josephus mentions, for instance, that Temple funds were used to initiate a street paving project after the Temple construction had been completed.¹⁶¹ He also notes that, at the time of the First Revolt, the Temple's foundations were being repaired using cedars imported from Lebanon.¹⁶² Jerusalem's urban development was thus partially funded by this cultic tax, and Jerusalem's priestly elites (and probably also the Herods to some degree) had control over how these funds were deployed.

The control of the Temple's priestly elites over the funds from the Temple taxes was not, however, always respected by the Romans. As governor of Syria, Marcus Licinius Crassus, for instance, expropriated 2,000 talents from the Temple in 54 BCE to pay for his Parthian campaign.¹⁶³ Similarly, the Syrian governor Varus's financial procurator Sabinus took 400 talents from the Temple treasury during the unrest following the death of Herod in 4 BCE.¹⁶⁴ The prefect Pontius Pilatus drew on the Temple's *qorban* fund to build an aqueduct, reportedly causing much discontent.¹⁶⁵ And on the brink of the First Revolt, Florus took 17 talents from the Temple funds to fulfill the "requirements of Caesar."¹⁶⁶ While the priestly elites technically controlled the revenues from the Temple taxes, the Roman provincial authorities in some instances also appropriated these funds for their own projects. It seems, however, that these were exceptional events and that the Roman governors were not regularly interfering with the revenues from the Temple taxes.

¹⁶⁰ Ariel and Fontanille 2012, 41.

¹⁶¹ Josephus, *A.J.* 20:219–22. See also Chapter 1 above.

¹⁶² Josephus, *B.J.* 5:36; *A.J.* 15:391–2. Lapin 2017a, 441.

¹⁶³ Josephus, *B.J.* 1:179; *A.J.* 14:105–9.

¹⁶⁴ Josephus, *B.J.* 2:50; *A.J.* 17:264. Cf. T. Mos. 6:8–9, with Keddie 2013, 313–16; Pouchelle forthcoming.

¹⁶⁵ Josephus, *B.J.* 2:175; *A.J.* 18:60. Lönnqvist (2016) proposes that the disappearance of lead in provincial coinage between 17/18 and 30/31 CE should be linked to Pilate's construction of this aqueduct. He suggests on this basis (against Josephus) that the aqueduct project began in 17/18 CE, which he argues was the beginning of Pilate's term as prefect instead of the traditionally assigned date of 26 CE. On this redating, Pilate's tenure would be the same as Caiaphas's term as high priest (ca. 18–36 CE). See also D. Schwartz 1992, 182–201.

¹⁶⁶ Josephus, *B.J.* 2:293–5. Lapin (2017a, 441 n. 71) observes that Josephus describes Florus's seizure of Temple funds as embezzlement but that he may have taken the funds to cover taxes that the leaders of the First Revolt withheld (*B.J.* 2:404–5; 5:405).

Donald Ariel and Jean-Philippe Fontanille have contested the widespread scholarly assumption that the Temple tax had to be paid in Tyrian sheqels. They have noted that Mishnah Šeqalim nowhere says that the Temple tax had to be paid in silver Tyrian coinage. The rabbinic source that may make this connection is Tosefta Ketubbot: “Silver mentioned in the Pentateuch is always Tyrian silver: What is Tyrian silver? It is Jerusalemite” (13:20).¹⁶⁷ But the context of this statement involves wedding contracts, not taxation, and this connection signals only that Tyrian silver was exchanged in Jerusalem.

There is no reason to think that this tax had to be paid in Tyrian sheqels, but it does seem to be the case that Tyrian sheqels were frequently used to pay the tax. This is because Tyrian sheqels were “the most current coins in Jerusalem in the latter part of the Second Temple period.”¹⁶⁸ The abundance of Tyrian coinage in Jerusalem was partially a function of Judaeans from the Phoenician coast paying the Temple tax in their local coinage as well as pilgrims engaging in commerce with Tyrian currency while in Jerusalem. That the tax was often paid in Tyrian coinage is remarkable, in any case, because Tyre continued to mint their own coins as they had under Seleucid rule without objection from Rome. Herod likely played a role in guaranteeing this privilege for the Tyrian mint in his capacity as *epitropos* of all Syria.¹⁶⁹ Interestingly, Judaeans brought these coins to the Temple, despite their usual obverse portrait of the god Melqart (Herakles) and reverse image of an eagle along with the inscription “Tyre the holy and inviolable.”¹⁷⁰ Even while the Herods generally avoided depicting images on their coins, thanks to the Temple tax Judaeans handled graven images whenever they participated in commerce in Jerusalem.

Two coin hoards have been found that may relate to the Temple tax. The first was discovered in Isfiya on Mount Carmel and contained about 3,400 Tyrian sheqels (tetradrachmae), 1,000 Tyrian half-sheqels (didrachmae), and 160 Roman denarii. Based on this composition, Leo Kadman argued that this hoard was destined for Jerusalem but never reached

¹⁶⁷ Ariel and Fontanille 2012, 38–40. Cf. m. Bek. 8:7.

¹⁶⁸ Ariel and Fontanille 2012, 40.

¹⁶⁹ Josephus, *B.J.* 1:399. Ariel and Fontanille (2012, 42) suggest that a number of monograms on the Tyrian tetradrachmae and didrachmae may refer to Herod. On Herod as a chief financial advisor in the Augustan empire, see Barrett 2009.

¹⁷⁰ Richardson (2004a, 241–52) advanced the interesting argument that Jesus turned over the moneychangers’ tables (Mark 11:15–19; Matt 21:12–17; John 2:13–16; cf. Luke 19:45–8) because he was opposed to the graven images on Tyrian sheqels, but the text does not explicitly indicate as much and there was no requirement to pay the tax in Tyrian sheqels. On the convergence of Herakles and Melqart, see Malkin 2011, 119–41.

its destination.¹⁷¹ Central to his argument is the *qalbon* mentioned in Mishnah Šeqalim 1:6–7 as an administrative surcharge (*agio*) of 4–8 percent exacted in addition to Tyrian didrachmae. As the equivalent of 40 Tyrian sheqels, the 160 Roman denarii account for 8 percent of the 1,000 half-sheqels in the hoard. Altogether, the hoard may represent the Temple taxes of 7,800 male Judaeans over the age of 20.

Magness has identified a similar phenomenon at Qumran with the second relevant hoard, consisting of 561 silver coins separated between three separate deposits in pots.¹⁷² Because not all of the coins in this cumulative hoard have been published, conclusions must be deemed tentative. Of the coins that have been published thus far, however, Magness has demonstrated that the “Hoard A” coins have a similar composition to the Isfiya hoard, despite being a much smaller quantity: 116 tetradrachmae, 70 didrachmae, and 6 Roman denarii. Because the Roman denarii in this particular deposit represent 8.6 percent of the 70 didrachmae, these may have been the collective *qalbon* of the Qumran community. This could have been a community savings hoard, but its relatively modest size and lack of Hasmonean issues suggest a more deliberate collection. Magness has calculated that this “Hoard A” deposit would cover the once-for-life Temple tax for about 30 men of 20 years or older. These hoards, then, potentially evince two different communal practices of Temple tax payment – only one of which was likely an annual tax – while both also support the additional exaction of the *qalbon* for payments in didrachmae.

It is worth considering whether the reason the Gospel of Matthew depicts Peter paying the didrachma tax for both him and Jesus with the same coin miraculously found in a fish’s mouth was to avoid paying two *qalbon* surcharges on top of the Temple tax (17:24–7).¹⁷³ Mishnah Šeqalim 1:6 allows that one rather than two *qalbon* surcharges be collected if two men pay with the same coin. Despite being a late source, its claim that the

¹⁷¹ Kadman 1962; Magness 2002, 192; 2004, 78–9. Josephus (A.J. 18:312–13) relates that the Temple taxes of Babylonian Judaeans were transported via a guarded convoy to Jerusalem as a lump sum. Additionally, Paul’s “Jerusalem collection” (1 Cor 16:1–4; 2 Cor 8:1–9:15; Rom 15:14–32; Acts 24:17) probably operated much like the collection of the Temple taxes within diaspora communities even though its purpose may have been quite different (Nickle 1966, 90).

¹⁷² Magness 2002, 188–93; 2004, 73–9. See also Murphy 2002, 305–17. On the composition of the hoard, see Sharabani 1980.

¹⁷³ Note that one of the main tasks of the moneychangers at the Temple in the gospels would have been collecting the Temple tax. The title of this profession was probably κολλυβιστής, from κόλλυβος (“small coin”), because the moneychangers exacted from each transaction a small surcharge like the mishnaic *qalbon*. See further Keddie forthcoming d on this episode.

Temple tax was accompanied by a surcharge for currency exchange in the Early Roman period seems to corroborate the hoard evidence. However, it should be noted that the passage in Matthew never signifies that the tax was intended for the Temple, even though it clearly refers to a didrachma capitation tax levied from Judaeans.¹⁷⁴ On the contrary, the payment of this tax is cast in response to Jesus's question, "From whom do the kings of the earth take toll or tribute (*telē ē kēnson*)? From their sons or from others?" (17:25). Peter responded "from others," prompting Jesus to declare the sons as "free," yet conceding that they should pay the tax anyway so as to avoid offense.

The Temple tax is not at stake in this Matthean passage, but rather direct Roman forms of taxation. As Warren Carter has demonstrated, the subtext for this Matthean story is the "Judaean tax" (*Ioudaikōn telesma*), which Vespasian diverted from the Judaean Temple to the Temple of Jupiter Capitolinus in Rome after the First Revolt, thereby supplanting the Temple tax.¹⁷⁵ Nevertheless, the payment with a tetradrachma may still assume the possibility of avoiding administrative fees for paying with a didrachma, since Egyptian receipts show that such fees were sometimes added to the Judaean tax.¹⁷⁶

The Temple tax, which was transformed into an annual half-sheqel tax under the Hasmoneans and lasted only until the Temple destruction (unlike tithes),¹⁷⁷ defies categorization as voluntary or obligatory. Many Judaeans paid the tax, but it was also not difficult to evade. Although the Herods and Jerusalem *boulē* could tap into the revenues of the Temple tax (estimated to amount to somewhere between a half and one million denarii per year)¹⁷⁸ to support urban development initiatives, the deployment of the tax's revenue and its administration would have fallen to the priestly elites. Josephus discloses that the surplus of the Temple taxes was stored along with other forms of revenue in the Temple and amounted to an incredible sum.¹⁷⁹

After the services of the Temple and city were deducted, the remaining revenue from this tax was at the disposal of the priestly elites. Moneychangers,

¹⁷⁴ Contra the argument of Flusser (1961), Horbury (1984), and Horsley (1993, 279–84), among others, that the passage originally critiques the Temple tax.

¹⁷⁵ Carter 2000. See also Heyer 1994; L. White 1991, 226. See Zeichmann 2015 for the (admittedly meager) literary evidence of the tax being transmitted to the Temple of Jupiter Capitolinus.

¹⁷⁶ See n. 144 in this chapter.

¹⁷⁷ M. Šeqal. 8:8.

¹⁷⁸ Ariel and Fontanille 2012, 16.

¹⁷⁹ Josephus, *B.J.* 1:179; *A.J.* 14:72, 105.

who may have been priests as well, also profited from this tax since they extracted charges for their services.¹⁸⁰ Ideologically constructed as a tax in support of Temple worship – an appealing manner of cultic participation for those spatially removed from the Jerusalem Temple – the surplus from this tax directly benefited the priestly elites involved in the collection of the Temple taxes. As such, the Temple tax was an institution that united Judeans of the homeland and diaspora as supporters of the one Temple and its cultic organization of wealthy priestly functionaries.

Conclusion

The Judean Temple in Jerusalem was one of the foremost temples of the Roman East. As a cultural and religious institution, it differed from other temples in important ways. Unlike the Temple of Artemis at Ephesos and the Temple of Bel at Palmyra, the Jerusalem Temple was reserved for the worship of the Judeans' one God, Yahweh, and was considered by most Judeans to be the only place where he could be worshipped through public sacrifices. As a result, the Jerusalem Temple was not permeated by emperor worship like other temples in the East during the early phases of provincial incorporation; however, sacrifices performed on behalf of the emperor were a public manifestation of the loyalty of the Jerusalem Temple to the imperial state, if not its religious institutions. Like other major urban temples of the East, however, the Jerusalem Temple also functioned in numerous ways as an economic institution governed by an organization of priestly elites. Because of its singularity, the Jerusalem Temple monopolized economic transactions pertaining to the worship of the Judean God – transactions ranging from the transmission of donations, sacrifices, fines, and taxes to the leasing of lands, conferral of loans, purchase of souvenirs, and costs of accommodations for pilgrims. Herod's rebuilding of the Temple and Temple Mount as well as urban development in Jerusalem greatly expanded Jerusalem's economy of the sacred in the Early Roman period. The growth of Jerusalem's economy of the sacred stimulated interregional trade and new urban industries, created jobs, and supported the integration of Palestine into the Roman Empire.

Jerusalem's economy of the sacred benefited priestly elites more than anyone else. Like other organizations of priestly elites at temples in the East, Jerusalem's priestly elites gained political and economic power in the Early Roman period by taking on civic offices. As such, they achieved considerable wealth through institutions that were not directly related to the

¹⁸⁰ Hutt 2012, 595–600.

Temple, and they did this in addition to their control over the economics of the Temple. Their privileged positions of wealth and status did not, however, prevent them from wielding their ideological power by appealing to particular interpretations of the Torah to increase their wealth through the institutions of tithing and the Temple tax.

The institutions of tithing and the Temple tax added additional economic burdens for observant Judaeans beyond those imposed on most provincial subjects of the Roman Empire. As noted in the [previous chapter](#), private landowners or their tenants paid a tribute to Rome that was probably about 14 percent, whereas tenants on public land paid a much higher tribute. In addition to this, most adult men paid head taxes of about 5 denarii and would also have been responsible for indirect taxes of at least 2–5 percent on a more occasional basis. On top of all this, most Judaeans adult males paid the annual Temple tax of 2 denarii and observant Judaeans agricultural producers would have paid tithes amounting to a maximum annual rate of 13.33 percent. It is impossible to know, however, how many people actually paid these tithes.

Those local elites who were also among the leading priestly families thus increased their wealth and affirmed their priestly authority through the institutions of tithing and the Temple tax. As a result, these institutions supported the repositioning of priestly elites within the institutional structures of the *polis*, land tenancy, direct taxation, and indirect taxation. For priestly elites, the new economic privileges enjoyed by other elites in the Early Roman period were supplemented by the resources they controlled through their position within this institutional environment. To maintain this position, these priests appealed to ideological schemas concerning the authority of the Torah, the significance of the Temple and divine worship, and the status of priests. They did so by interpreting the Torah in a way that construed tithes and the Temple tax as divinely mandated. Consequently, these priestly elites surged with material and political resources, increasing their power in stimulating social and cultural change.

CHAPTER 5

Material Culture from Table to Grave

Over the course of the Early Roman period, institutional shifts transpired in Palestine that increased the economic and political power of Jerusalem's elites, repositioning them with respect to resources and non-elites. These institutional shifts also had an ideological impact, influencing class dispositions across Judaeen society as the period observed the gradual rise of new, non-royal elites. Events such as Pompey's conquest (63 BCE), the inception of Herodian rule (37 BCE), and the Roman annexation of lesser Judaea (6 CE) did not suddenly change class dispositions. Instead, material evidence indicates that social actors articulated new class subjectivities between the time Herod started his public building program around 20 BCE and the turn of the eras.¹

In this period of cultural and economic transformation, new patterns of material culture among Palestine's elites corresponded to the influence of Graeco-Roman cultural institutions on elite tastes. At the same time, they were a function of Palestine's integration into extensive trade networks in the Roman East. The acquisition and use of imported prestige items by Judaeen elites conveyed their collective ideological power as negotiators of state power who had the political and economic resources necessary to affect cultural change. Elites were not, however, the only agents of the changing patterns of production and use of material culture or the only agents of cultural change. As Peter Wells has argued about so-called Romanization in Europe, at the same time that elite material culture became conspicuously influenced by Roman cultural institutions, non-elites used material culture "to reinforce their identities as members of traditional local groups."²

¹ On Herod's building program, see Roller 1998; Netzer 2008; Richardson 1996, 174–215.

² Wells 1999, 194 (also quoted by Curchin 2004, 13). Although Wells rightly calls attention to the agency of non-elites in developing material culture, he assumes too much uniformity in the culture of elites across the provinces, as Curchin (2004, 11) has noted. Among others, Woolf (1995; 1998; 2002) has been at the forefront of stressing the power of elites in processes

Non-elites were still influenced by Roman cultural institutions but in different and often less direct ways than elites. Through their distinctive use of material culture, Judaeans at all levels of society thus contributed to the formation, development, and regeneration of class dispositions.

This chapter begins with a brief methodological discussion of the “archaeology of class” before closely examining four areas in which changing class dispositions became evident around the turn of the eras – tableware, oil lamps, dress, and burials. At some remove from strictly economic considerations, non-elites and elites alike began expressing their class subjectivities in new ways, often in ideological interaction with one another. These material practices gradually led to the galvanization and polarization of class subjectivities that did not simply correspond to economic positions. Although there were some regional and local differences, non-elites (those around subsistence and middlers) and elites (imperial, provincial, and municipal elites) began defining themselves and each other as classes in this period through material practices of differentiation.

Once the social and cultural dimensions of class are taken into account, it is clear that a dichotomous class structure was not created by Rome or the economy. Instead, the material tactics of social actors produced and were conditioned by changing class dispositions.

The Archaeology of Class

Archaeological remains provide substantial evidence of different types of social distinctions, including class distinctions. These distinctions are easily overlooked, however, if class is not one of the variables explored in the interpretation of material culture.

If archaeologists were to excavate the house of Trimalchio, the incredibly wealthy freedman from Petronius’s *Satyricon*, they would immediately label it an elite space. They might recognize differences in style from other excavated elite spaces, but they would not know that *true* aristocrats like Petronius and his audience deemed the freedman as unmistakably of lower-class origins.³ Petronius leaves no doubt that it is in the freedman’s

of Roman provincial incorporation without belittling the contributions of non-elites to the new provincial cultures. Brunt (1976) is largely responsible for the classic model by which elites were responsible for Romanization, a model which wrongly assumes that non-elites fully and passively accepted their new Roman culture. Millett (1990) reformulated Brunt’s model under the equally problematic rubric of the “trickle-down effect.” Huskinson 2000 is a variant of these models, defining “elite culture as instrument of empire.”

³ Morley 2004, 78.

particular use of material culture that he betrayed his extravagant class pretensions:

It was more like an actor's dance than a gentleman's dining room. But some rich and tasty whets for the appetite were brought on; for every one had now sat down except Trimalchio, who had the first place kept for him in the new style. A donkey in Corinthian bronze stood on the side-board, with panniers holding olives, white in one side, black in the other. Two dishes hid the donkey; Trimalchio's name and their weight in silver was engraved on their rims. There were also dormice rolled in honey and poppy-seed, and supported on little bridges soldered to the plate. Then there were hot sausages laid on a silver grill, and under the grill damsons and seeds of pomegranate.⁴

The satire of Trimalchio's dinner party demonstrates simultaneously that the ancients recognized distinctions of class in material culture – in this case tableware – and that these distinctions were partially conveyed through use and performance. The *Satyricon* also makes light of Trimalchio's excessive plans for his funeral and the appearance of his monumental tomb, highlighting another node of class distinction while again intimating that the freedman's zealous ostentation divulges his inferior class background.⁵

Archaeological data provide important evidence that can help scholars to identify class dispositions in ancient societies, even if they cannot recover all of these subjective social and cultural contours of class differentiation. What I call the “archaeology of class” is a historical approach to archaeological evidence of class distinctions whose conspicuous absence in historical and archaeological scholarship should be redressed. Numerous recent books and articles are devoted to the archaeology of ethnicity and gender,⁶ but when it comes to the uncomfortable and challenging topic of class, scholars tend to say very little explicitly. An otherwise important recent volume bears class in its subtitle, but scarcely broaches the topic: *The Archaeology of Difference: Gender, Ethnicity, Class and the “Other” in Antiquity* by Douglas Edwards and Thomas McCollough (2007). Many of its articles envision considerable social harmony, preferring to speak of negotiation of difference rather than difference itself.

Part of the problem is that there has been an overemphasis on common features of Judaeo culture in recent archaeological interpretations.

⁴ Petronius, *Satyricon* 31.

⁵ Petronius, *Satyricon* 71–2.

⁶ S. Jones 1997; Gilchrist 1994; 1999. With regard to ancient Judaism, see Zangenberg et al. 2007; Baker 2002.

Under the rubric of “archaeology of difference,” an increasing number of studies on Early Roman Palestine – and the first-century CE Galilee in particular – emphasize ethnic and religious continuities across Judaeans communities by articulating difference between Judaeans and non-Judaeans.⁷ This scholarly trend is an expression of a larger agenda, first advocated by E.P. Sanders, to discover “common Judaism” across archaeological and literary sources.⁸ This approach helpfully transcends the sectarian divisions scholars have traditionally emphasized in the study of this period, situates the Jesus movement and early New Testament writings in their Judaeans context, and identifies the markings of Judaeans life in the archaeological record (especially in the Galilee). At the same time, however, it obscures class distinctions – the differing lifestyles and experiences of people that are overdetermined by economic institutions that sustain socioeconomic inequalities. My goal here is to detect these class dispositions in archaeological remains and incorporate them into the social history of the period.

Historical archaeologists ceaselessly debate the relationship of material culture to class, without much resolution. The archaeology of class, like any other type of archaeological interpretation, must acknowledge the fallibility and subjectivity of this endeavor. It must also recognize difficulties in reconstructing human practices and social, cultural, and historical developments based on a selection of archaeological evidence that could be insufficiently representative. Three major issues warrant particular attention.

First, there is a potential dissonance between the production, use, and disposal of material culture within the *chaînes opératoires* (the operational sequence of an artifact from production to disposal). Producers and users each have their own interests and their own class subjectivities, which constrain their engagement with materials. As some archaeologists have pointed out, Bourdieu’s theory of the *habitus* – the set of dispositions people unconsciously learn in their interaction with social structures – is useful for situating social actors involved in production, reproduction, distribution, and use within the same *habitus*.⁹ This is not true, however, in cases in which producers and users – for example, the workers who make

⁷ In addition to the essays in Edwards and McCollough 2007, see, e.g., Zangenberg *et al.* 2007; Syon 2015, 87–94.

⁸ E. Sanders 1992, esp. 45–7; 2008. For application, see E. Meyers 2008; S.S. Miller 2010; E. Meyers and Chancey 2012, 48–9, 108–10, 237–8. Cf. Reed 2000, esp. 23–61.

⁹ Dietler and Herbich 1998, 246–8. Cf. Hodder 1986, 70–6. In her study of the material culture of Judaeans elites, Berlin (2014a) also invokes Bourdieu (1977; 1986; 1993).

a tomb and the elites who commission and use it – do not share the same class *habitus*.¹⁰

While it is important to acknowledge the variegated and often unpredictable cooperation of producers and users in dictating forms, our focus is specifically on users and their interaction with material culture. It is safe to assume, then, that a person acquires a particular item either on a market, because it fits their socially inculcated dispositions of taste, or by commissioning particular craftsmen because their work is deemed amenable and additional points of design will be dictated.¹¹ Thus, the use of material culture is inflected by the class subjectivities of the users themselves, though they are not simply cultural puppets. More than cultural consumers, each person contributes to the generation of class schemas by using material resources in their own way.¹²

A second issue for the archaeology of class is the relationship between material culture and ideology. With material evidence – so-called “realia” – it is tempting to think that we have access to the real, the absolute, that concrete measure against which to weigh the political vicissitudes of ideology.¹³ This is not quite the case. Material evidence, too, is animated by ideology, as Ian Morris argued in his study of archaic Greek burials.¹⁴ What a tomb, a lamp, or a dish conveys about class, when observed across a significant number of sites so as to constitute a behavioral trend, may be considered consistent with prevailing ideologies. In certain instances, however, material culture suggests that certain groups were pushing back against these prevailing ideologies, attempting to mobilize and displace them.

The third issue that arises concerns the relationship of material culture to wealth. Taking a “consumer choice model” approach, some archaeologists have sought to correlate the estimated cost of products such as pottery and gravestones to the economic level of their consumers.¹⁵ Unfortunately, this approach encounters several difficulties.¹⁶ For instance, markets (and access to them) can affect the costs of goods.¹⁷ Moreover, there is always the

¹⁰ Additional post-artisinal mediators in the process of production further complicate the matter, as Williams (1995, 44–52) has argued.

¹¹ Gottdiener 1995. On this issue of the interaction between clients and craftsmen in the production of mosaics in the Roman provinces, see Wooton 2016; on elite demand for specialized domestic decoration, see Flohr 2019.

¹² So de Certeau 1984, esp. xi–xxiv; Williams 1995; Vásquez 2011.

¹³ Rose (2012, 47–8) also notes this challenge in his *Class in Archaic Greece*.

¹⁴ I. Morris 1987; 1998.

¹⁵ See the essays in Spencer-Wood 1987.

¹⁶ So Wurst and Fitts 1999.

¹⁷ M. Smith 1999, 113.

possibility that a person inherited, stole, or splurged on a particular item, or conversely chose to keep expenditures at a minimum in spite of their considerable wealth. Even if it can be substantiated, wealth alone does not determine class. In the archaeology of class, economic indicators of wealth such as house size, number of imported goods and “luxury” items, complexity and style of art and décor, and other factors must be relied on as a guide to the class dispositions of users, but economic differences are not the final word.¹⁸

In the archaeology of class, each person is an actor who operates within their institutional environment but also contributes to its transformation. Through their conscious and unconscious material practices, non-elites contributed to the production of class distinctions as much as elites.¹⁹ To capture the emergence of these class distinctions, by which elites and non-elites defined themselves, the following sections focus on salient changes in distribution over time. As Monica Smith argues in her study of social aspects of premodern exchange, “The presence of goods in large quantities and with a broad distribution in archaeologically retrieved contexts invites a discussion of the role of symbolism and socially generated preferences as a factor in goods selection.”²⁰ Focusing on Kaundinyapura in central India around the turn of the eras, Smith has shown that the ubiquitous use of non-local micaceous pottery and sandstone objects can only be explained by their investment with social value. Although these ordinary, subsistence goods had functional equivalents at Kaundinyapura, this society generated durable surplus goods for exchange in order to acquire these non-local items. Smith concludes that, in the absence of political and economic infrastructure for such trade, the tastes and prerogatives of social classes influenced exchange and economic integration.

Although Palestine in this period boasted considerably more political and economic infrastructure than the societies of the Indian subcontinent, trade was still partially dictated by local demand. During the reign of Herod, new conditions of building and the concomitant expansion of trade networks both internally and across the Mediterranean resulted in a diversity of goods,²¹ thereby creating increased opportunities for social

¹⁸ On luxury items as not only an economic, but also social and cultural indicators of class, see Brumfiel 1987.

¹⁹ As demonstrated convincingly by Wattenmaker (1994) and Morrison (2001, esp. 255).

²⁰ M. Smith 1999, 119. For the Roman Empire, Perkins (2000) has similarly shown that cultural dispositions played a part in determining economic behavior.

²¹ Literary and archaeological evidence suggest that trade in Early Roman Palestine was primarily internal, though there was also increased trade between the cities of Palestine and the wider Mediterranean during this period. On various issues pertinent to the discussion of internal and international trade, see E. Meyers 1976; R. Hanson 1980; Adan-Bayewitz

actors to demonstrate their affiliation with particular social groups, whether according to gender, ethnicity, or *class*.²² Class dispositions did not emerge *ex nihilo* in the time of Herod, but new distinctions did, particularly as new elites separate from the monarchy grew in power. The basic social division these changes evince is between elites and non-elites, broadly construed.

Tableware

The reign of Herod (37–4 BCE) witnessed the emergence of several new types of imported ceramics. Among these, some of the most popular were Eastern Terra Sigillata D (Cypriot), Western Terra Sigillata, Pompeian Red Ware, and thin-walled Italian ware.²³ All of these are striking in appearance, forming a sharp contrast with the plainness of the ubiquitous local ceramics. The *terra sigillata* (“stamped clay”) wares are coated in a semi-lustrous slip ranging from orange-red to red, sometimes impressed with designs, while Pompeian Red Ware has a thick red internal slip, and thin-walled Italian ware appears as red-beige, red-brown, or gray, but is distinguished by its “egg-shell quality.”²⁴ Also around this time, “Jerusalemite painted bowls,” which were hand-painted with intricate floral designs, appeared for the first time.²⁵ While likely manufactured near Jerusalem, they were based on a Nabataean prototype. These finewares all appeared in elite settings, but none rivaled the imported fineware known as Eastern Terra Sigillata A (ESA) in popularity.

ESA is the name given to fineware of pink or pale yellow clay coated in a glossy orange-red slip, usually undecorated or simply decorated with

1993; Fradkin 1997; Rosenfeld and Menirav 2005; Rocca 2008, 234–8; Pastor 2010. The view taken by a number of New Testament scholars that any trade in the Galilee was parasitic and oppressive, proving by its very existence that cities consumed all of the products of the peasants in local villages without any benefit to them, is refuted by each of these studies. Primary proponents of this untenable parasitic urbanism argument are Horsley (among others, 1996), Reed (2000), and Arnal (2001).

²² Compare M. Smith 1999.

²³ Rosenthal-Heginbottom 2014b, 390–5.

²⁴ On Pompeian Red Ware, see Bar-Nathan 2002a, 138–40. On *terra sigillata*, see Rosenthal-Heginbottom 2003, 214–17. For Italian thin-walled ware, see Bar-Nathan 2002a, 140–2; Rosenthal-Heginbottom 2003, 209–10.

²⁵ Originally called “pseudo-Nabataean” bowls, Avigad (1983, 185) suggested the name “Jerusalemite painted bowls,” observing differences in style and composition from the very similar Nabataean bowls. Neutron activation analysis proved Avigad’s instinct correct, indicating that these bowls are made of Motza clay from the environs of Jerusalem (Perlman et al. 1986). See further Hershkovitz 2003b.

rouletting.²⁶ While Eastern Terra Sigillata was produced along the eastern coast of the Mediterranean, mineralogical studies have shown that ESA in particular was produced from raw material from Cilicia, in the region between Antioch and Tarsus.²⁷ The forms of ESA vessels were arguably based on metal (especially gold and silver) vessels, which were only used by elites. Philip Bes has thus suggested that “it were members of the elite who provided the main inspiration in the decision-making process as to what shapes were to be made.”²⁸ Italian Terra Sigillata (ITS) vessels were likely inspired by the same metal prototypes as ESA, with the result that the forms of ESA that emerged in the late first century BCE bear striking resemblances to certain ITS vessels.²⁹ It may have been metal prototypes that were originally produced in Italy that provided the influence for ITS and ESA forms, but these vessels may also have exerted their influence on the ceramic tablewares at other urban centers in the eastern empire.

As noted in the Introduction, recent studies have argued that the distribution patterns of ESA betray significant market integration in the Roman East.³⁰ These patterns should not be taken as proof of a fully integrated market economy, however, but rather as proof of limited market integration among urban centers that was driven by elite demand. The distribution of ESA was not simply a function of economic forces but was also influenced by cultural dispositions. The ESA data from Palestine reveal that class dispositions, in particular, had an impact on the distribution and use of ESA.

Andrea Berlin has noted in a series of rigorous studies that the distribution pattern of ESA changed in Palestine just before the turn of the eras.³¹ In contexts ranging from the late second century BCE through the late first century BCE, ESA is found in domestic assemblages at all Judaeen and non-Judaeen sites in the Galilee and Gaulanitis for which we have reliable archaeological data. Around the end of the reign of Herod, however, ESA disappears from primarily Judaeen sites while still being used regularly at sites that were not predominately Judaeen.³²

²⁶ For overviews of ESA identification, typology, distribution, and chronology, see Slane 1997, 269–74; Gunneweg et al. 1983. This fineware was first identified by Kenyon (1957) but important emendations to her classification were later proposed by J. Hayes (1967).

²⁷ G. Schneider 2000, 532; cf. Slane 1997, 272.

²⁸ Bes 2015, 65; cf. 82.

²⁹ Bes 2016, 67–8, 82, 147–8, fig. 108.

³⁰ Esp. Brughmans and Poblome 2016.

³¹ Berlin 2002b; 2005a; 2006; 2014b.

³² Berlin 2002b, 60–1, tables 4.1–2; 2005a, 444–8. To the predominantly Judaeen sites Berlin included as evidence of the distribution pattern (Gamla, Jotapata, Capernaum, and et-Tell/Bethsaida”), Magdala may now be added (Avshalom-Gorni 2009).

Scholars have posited several theories to account for this change. At first glance, this might appear to be a cost issue – only the wealthy were able to afford this imported fineware, and its absence at Judean villages in the north indicates their poverty in the first century CE. This is not the case. That ESA was used in the first century BCE in non-elite settings at the Judean village of Gamla, and continued to be used in the first century CE at non-elite, non-Judean settings at Tell Anafa and elsewhere suggests that cost was not a factor.³³ Its continued use at non-Judean sites in the north also means that availability was not a problem, especially considering that the people of Pella continued to use ESA even though Pella is farther from Cilicia than the Galilean villages.

Thus, scholars unanimously agree that this development reflects an emerging facet of Judean identity. Recognizing that the disappearance of ESA at Judean sites coalesces with the widespread emergence of *miqva'ot* (baths for ritual purification) and stone vessels, several scholars have argued that the eschewal of ESA is a religious development. David Adan-Bayewitz and Mordechai Aviam, for instance, have argued that new halakhic purity concerns led to the rejection of ESA by Judeans.³⁴ To be sure, later rabbinic writings explain that stone vessels do not convey impurity and this is also assumed in John 2:6 (“Now standing there were six stone water jars for the Judean rites of purification”).³⁵ However, this theory uncritically applies later literary sources to an earlier period and suffers from the chicken-or-the-egg problem of determining the sequence of law and behavior. Moreover, it cannot explain the continued use of ESA in the elite contexts at which it does occur in the first century CE, such as the mansions of the priestly elites in Jerusalem.³⁶ Purity concerns alone cannot explain this development.

Andrea Berlin prefers, instead, to view the avoidance of ESA by Judeans as “anti-Romanization,” a subtle program of cultural and political protest through material culture. Accordingly, most Judeans resist

³³ For example, at Gamla, first-century BCE Judean non-elite domiciles in Areas B/D had ESA (Berlin 2006, 64–99; for stratigraphy, see Goren 2010). Then, at Tell Anafa in the first century CE, non-Judean, non-elite domiciles (unadorned, simply constructed one to two room structures) also had ESA (Slane 1997, 261–8; for stratigraphy, see Herbert 1994, 109–43). For a list of the other non-Judean sites Berlin included in her distribution analysis, with references, see Berlin 2005a, 445 n. 63.

³⁴ Adan-Bayewitz and Aviam 1997, 165.

³⁵ E.g., m. Kelim 5:11; 10:1; 'Ohal. 5:5; 6:1; Nid. 9:3; Parah 5:5; Yad. 1:2; Beṣah 2:3. On the literary sources, see Magen 2002, 138–47; Magness 2002, 73–9; 2011b, 70–4. As Gibson (2003) has demonstrated, the stone vessels quickly became widespread and their distribution included Judean and non-Judean, elite and non-elite settings.

³⁶ Berlin 2006, 151; Magness 2011b, 61. Note also S.S. Miller's (2015, 153–83) judicious reservations about assuming that purity concerns motivated Judeans to start using stone vessels.

Roman-looking material culture in this way,³⁷ but the priestly elites are not adverse to “Romanization” in the same way, as the Graeco-Roman schemas of domestic décor in their Jerusalem mansions reveal. Although helpfully moving away from a wholly religious and ethnic explanation for this change, anti-Romanization still does not adequately explain why ESA shows up in some Judaeen first-century CE contexts. As Berlin admits, it is also complicated by the presence of frescoes and stucco in the Italian style known from an increasing number of Galilean sites.³⁸ I would add that the fact that several types of stone vessels are clearly modeled on ESA forms suggests that *anti*-Romanization is not the best heuristic for understanding this development.³⁹

In an effort to combine the ethnic, political-cultural, and religious explanations, Jodi Magness infers that Judaeans were concerned for the purity of this fineware because it was imported. She specifies that this could be due to factors such as “concerns related to the difficulty of ensuring the purity of any pottery imported from a distance, or the fact that Gentiles did not observe Jewish purity laws, or the possibility that Gentile products were associated with idolatrous practices.”⁴⁰ Magness also raises the possibility that it could be because some Judaeans in this period started considering gentiles as inherently impure – a much-debated issue – but does not endorse this as part of her explanation for the changing tableware patterns.⁴¹

Sharon Mattila upholds Magness’s explanation, claiming that Judaeans were avoiding gentile wares because of growing anti-gentile sentiments.⁴² As for the priestly elites, she contends that they continued to use ESA because of “political-religious” issues. She further explains that the “Sadducean” priestly elites did not share the same types and levels of purity concerns as other Judaeans. This resolution, however, does not account for the abundance of *miqva’ot* and stone vessels found in the Jerusalem Jewish Quarter mansions, which contained significant amounts of ESA. Mattila proposes that the priestly elites used the *miqva’ot* and stone vessels in connection

³⁷ Berlin does not simply view the material developments in Palestine as a response to Rome, but rather to the Romanization of the Eastern Mediterranean. In particular, she points out that nearby Phoenicia, and the city of Tyre in particular, with which the Upper Galilee at least engaged in trade, was a major locus of Romanization. See Berlin 2002b, 66–9.

³⁸ Berlin 2002b, 69; 2005a, 449–50.

³⁹ Magen 2002, 65–70.

⁴⁰ Magness 2011b, 62. See also Magness 2002, 75.

⁴¹ Magness 2011b, 62. The idea that Jews viewed gentiles as inherently impure was famously advanced by Gedaliah Alon (1977). While it is true that certain rabbinic texts consider gentiles impure, Klawans (2000) and C. Hayes (2002) have showed that this idea is not in the Torah and was not widespread in the Second Temple period.

⁴² Mattila 2013, esp. 104 n. 84.

with eating their sacrificial meals, but “when eating common food they did not scruple to use imported fine ware.”⁴³ While this is an insightful suggestion, it makes using this trendy fineware seem like a concession.

Even if Mattila is correct about alternating uses, the importance of ESA for the identity of its users should not be discounted. As Nahman Avigad remarked in discussion of the three storage niches found in the “Herodian Residence” in Jerusalem, “they were apparently wall cupboards for storing vessels and the family ‘china’ – the finest of the household pottery.”⁴⁴ Any theory of the changing distribution pattern of ESA must account for the social significance of this fineware for those who used it.

Close attention to the Judaeian contexts in which ESA was found in the first century CE demonstrates that its distribution pattern was influenced by changing class dispositions. Eric Meyers and Mark Chancey posit this possibility, suggesting that avoiding ESA may have been one way that non-elites differentiated themselves from elites.⁴⁵ The growing corpus of evidence from excavated sites supports this theory. Some scholars have observed that, in comparison with the widespread distribution of ESA at non-Judaeian sites, ESA was never significant to Judaeans, even in the first century BCE.⁴⁶ Rather than its rarity demonstrating insignificance, however, the presence of a small number of these flashy vessels betrays their special status as prestige items among Judaeans by the first century CE.⁴⁷

Even if in very small quantities, ESA is almost always found in settings that could be described as elite – in decorated houses with other luxury items and ceramic assemblages that often include other imported wares. In the first century CE, ESA is found in the lavish royal palaces at Jericho, Masada, Herodium, Cyprus, and Machaerus.⁴⁸ As is often noted, it is found

⁴³ Mattila 2013, 104.

⁴⁴ Avigad 1983, 86.

⁴⁵ E. Meyers and Chancey 2012, 135–7. Berlin (2002b, 69) seems to suggest this as well, but only in passing.

⁴⁶ Jensen 2006, 238; Magness 2011b, 219 n. 56; Mattila 2013, 101. Another aspect of the distribution pattern of ESA that requires explanation is its absence in Jerusalem and the south during the Hasmonean period, even when it was being used with some regularity in the north. Magness argues that this is an economic and regional trade issue. It reached Galilee more quickly than Judaea from its Phoenician source. See Magness 2011b, 55–6.

⁴⁷ See also Berlin 2005a, 448.

⁴⁸ Jericho: Bar-Nathan (2002a, 119) notes that despite being absent in Hasmonean contexts, ESA was “rather common” in Herodian 1–3 contexts in the Jericho winter palaces. The ESA fineware still awaits publication. Bar-Nathan (2002a, 119–21) does present, however, a red-slipped “local counterpart to Eastern Sigillata A” which was also common in these contexts. Masada: the ESA from Masada is not yet published, but Bar-Nathan (2006, 368) mentions at least one Eastern Sigillata bowl in a context from Herod’s time, though there are surely more that will be published. Herodium: Bar-Nathan 1981, 64. Cyprus: Bar-Nathan

in abundance in the Judean mansions in the Upper City of Jerusalem, some of which belonged to priestly elites.⁴⁹ Some ESA has also been found in a mansion in the City of David in Jerusalem and at the elite residence at Ḥorvat Mešad (on the road between Emmaus and Jerusalem).⁵⁰ Evidence from the north is less clear, since most sites there have not yet been systematically published. Notably, however, ESA is not present in first-century CE non-elite assemblages in subsistence-level domiciles at, for instance, et-Tell/"Bethsaida," Sepphoris, Khirbet Ka'kul (Pisgat Ze'ev), Qiryat Sepher, and the workers' living quarters at the large farm complex at Qalandiya.⁵¹ The sectarian community at Qumran, whose writings repudiate the lifestyles of priestly elites, also abstained from using ESA, despite their own communal wealth.⁵²

While the state of our evidence allows only a glimpse of this material expression of a class distinction between elites and non-elites, it is hard to overlook the social aspect of this trend. Around the turn of the eras, elites

and Gärtner 2013, 139 (the authors note the presence of ESA in a context dated to the reign of Herod, but this material is not yet published). Machaerus: Loffreda 1996, 104–7.

⁴⁹ For ESA in contexts dating between the late first century BCE and 70 CE in the Upper City of Jerusalem, see Rosenthal-Heginbottom 2003, 194–5, 198–9, 201–3, 214–15; Geva 2010b, 120 (Geva notes that a small quantity of *terra sigillata* sherds were found in the Burnt House but does not specify whether it was ESA; it should be noted that the reason for the relative dearth of ESA in the Burnt House is that only the service quarters of the house have been excavated). The presence of ESA in the "Herodian Residence" in Area E as well as in Area J (20–15/12 BCE) indicates that some of Jerusalem's elites had started using the fineware at least by the second half of the reign of Herod. See Rosenthal-Heginbottom 2006, 151–3; 2014a, 177, 182–3 (Area J, Stratum 3).

⁵⁰ City of David: Greenhut 2011, 282. Ḥorvat Mešad: Fischer 2012, 73 (mid-first-century CE context). Fischer describes the Early Roman site at Ḥorvat Mešad (Stratum V) as a way-station built during Herod's reign that was gradually transformed into a "fortified manor house." Although Magness (2014, 865) has shown that there are problems with the stratigraphy of the site, she suggests on the basis of the molded stucco fragments that the site should be compared with the mansion at Khirbet el-Muraq.

⁵¹ Et-Tell/"Bethsaida": Fortner (1995, 105) only reports a small quantity of ESA fragments, which Strickert (2010, 106–8) says were found in the "Fisherman's House." Though listed as first century CE, this house and its finds are more likely late Hellenistic. Berlin (2002b, 60–1, table 4.1) records Hellenistic ESA at et-Tell but does not mention first-century CE ESA. Sepphoris: only a few second century CE or later sherds of ESA found in the non-elite residential quarter on the western summit (Balouka 2013, 50, 110–11: pl. 27); Early Roman ESA was found, but in unstratified contexts (de Vincenz 2013, 142–6). Khirbet Ka'kul: two plate base fragments of "pseudo-Terra Sigillata" is all that was found in a structure which housed a *miqveh* (Area G) and is not even clearly domestic (Seligman 2006, 15–16, 18, 25, fig. 19:4). Qiryat Sepher: no mention of ESA other than the jug from Building VIII (Magen et al. 2004). Qalandiya: Magen (2004, 84) reports that "all the pottery found at Qalandiya is of local manufacture, except for a few amphorae, which may have been imported."

⁵² Magness (2002, 75) relays a report that a few fragments of ESA were found at Qumran, but they remain unpublished.

who took pride in this colorful, elegant imported fineware, and non-elites who either avoided or simply did not seek out ESA, preferring instead stone vessels and clay ceramics from local workshops, generated through their conscious and unconscious material practices new class dispositions with regard to the use of tableware and the social nexus of dining. The apparent availability of ESA on local markets and in non-Judaean non-elite spaces, as well as in Judaean non-elite spaces of an earlier generation, indicates that this class distinction was not simply determined by cost factors.⁵³

Since the use of austere, white, hand-carved stone vessels became ubiquitous among non-elites right around the time that non-elites stopped using ESA, this should be understood as part of the same process of class differentiation as the changing pattern of ESA use. Stone vessels (made of limestone or soft chalk) likely had utilitarian purposes before they took on halakhic and ritual significance, especially in relation to rituals of handwashing.⁵⁴ Based on their striking absence from sites from the late Hasmonean era, stone vessels seem to have appeared in the time of Herod and quickly became ubiquitous towards the end of the first century BCE, probably as a function of urban development stimulating Jerusalem's stone industry at this time.⁵⁵

There are two different types of stone vessels that should be clearly distinguished: hand-carved and lathe-turned. Hand-carved stone vessels were made with hammers and chisels and have raw, unpolished exteriors. These vessels appeared at nearly every Judaean site with contexts dated between the end of the first century BCE and the Second Revolt.⁵⁶ The most common types of hand-carved vessels were mugs that have the misnomer "measuring cups" and bowls.⁵⁷ Although elites also apparently owned some of

⁵³ That is not to say that economic constraints were not at play at all. As demand for ESA changed, prices may have risen.

⁵⁴ Cahill 1992.

⁵⁵ Magen (2002, 162) points out that stone vessels were not found in the Jericho Hasmonean mansions or at the sites at Tirat Yehuda, Beth Zur, and Nabi Samwil. He concludes that stone vessels "first appeared in the second half of the following century [the first century BCE]. The distribution of chalk vessels and ossuaries expanded greatly in the end of the first century BCE, and they remained in use during the first century CE up to the destruction of the Second Temple in 70 CE." See further Gibson 2003 for the argument that stone vessels became increasingly widespread in the middle of the first century CE, as well as the suggestion that stone vessels had utilitarian functions before (and then, along with) religious ones.

⁵⁶ For an extensive (but not up-to-date) list of the sites in which hand-carved mugs (so-called "measuring cups") were found, along with references to the original excavation reports, see Magen 2002, 97–8 n. 137; see also 40–51 on the hand-carved stone vessels from the workshop at Hizma. See also Gibson 2016 on the recently published evidence from Gamla.

⁵⁷ For a persuasive rebuttal of the older scholarly designation of these mugs as "measuring cups," see Magen 2002, 99.

these hand-carved stone vessels, it is unclear that they actually used them along with their more elegant fineware. It is perhaps more likely that hand-carved stone vessels were only used in service areas of elite residences or by elites for restricted purposes such as ritual handwashing.

Instead of hand-carved stone vessels, lathe-turned stone vessels were much more common in elite settings such as the Herodian palaces and Jewish Quarter mansions.⁵⁸ These vessels were manufactured using a lathe and had a polished finish. Types made on smaller lathes were often modeled after *terra sigillata* forms and also included decorative features such as lathe-incised lines or ribbing. One bowl form that was particularly common in elite settings was clearly based on an ESA bowl.⁵⁹ Types made on a larger lathe included large trays and barrel-shaped kraters. The latter were based on Graeco-Roman bronze calyx kraters and often featured lathe-incised grooves and/or more intricate ornamentation such as chip-carved geometric designs on their rims. The six stone jars whose water for purification Jesus turned into wine at the wedding at Cana in the Gospel of John (2:1–12) are described as about the same size as these kraters.⁶⁰ These kraters have been discovered at numerous sites, and were especially common in elite residences and public buildings.⁶¹ While a village or community as a whole (like the Essenes at Qumran) may have been able to afford these large kraters, non-elites did not have these in their homes like elites did. Because lathe-turned stone vessels required special technology and labor, it was primarily elites who could afford these finely manufactured vessels and who thus invested them with social value.

By using hand-carved stone vessels and local ceramics instead of ESA, then, non-elites contributed, if subtly, to the transformation of class subjectivities. Elites did as well by using ESA, other imported wares, and lathe-turned stone vessels, even if they also used some hand-carved stone vessels. These class-inflected material practices surely also had religious and ethnic import, as other scholars have noted, but the class dimension is the missing piece of the puzzle.

⁵⁸ Magen 2002, 64–97.

⁵⁹ Magen 2002, 64–6.

⁶⁰ John 2:6 describes the jars as holding two to three baths apiece (χωροῦσαι ἀνὰ μετρητὰς δύο ἢ τρεῖς), or about 44–66 liters. According to Magen (2002, 142), this volume is just less than the capacity of the stone kraters that have been discovered. Magen (2002, 88) has also identified these lathe-turned kraters with the vessels known in rabbinic sources by the term ללך (m. 'Ed. 7:5; Parah 3:3; t. 'Ohal. 7:11).

⁶¹ See Magen 2002, 85–6, with references to original excavation reports.

Oil Lamps

A second material witness to changing class dispositions is the appearance and rapid dissemination of a new type of oil lamp. While called the “Herodian lamp,” its absence in excavated Herodian strata, including the “Herodian Residence” in the Jerusalem Jewish Quarter (Area E), indicates that it probably did not emerge until the final decade of Herod’s reign.⁶² Its earliest known contexts are strata dating between 15 BCE and 6 CE in the Herodian palaces at Jericho.⁶³ It seems that the Herodian lamp started to go out of fashion after the Second Judean Revolt in 132–5 CE.⁶⁴

Two types of the Herodian lamp are discernible, labeled Type 1 and Type 2. While they overlap chronologically, Type 2 is more common in the period after 70 CE.⁶⁵ With both types, the potters made the round body on a wheel and then attached a short, flaring, knife-pared nozzle and touched up the lamp with a knife. At the center of the body there is a relatively large filling hole, approximately 1.5cm in diameter.⁶⁶ Unlike Type 1, Type 2 often features simple decoration, such as incised lines or stamped concentric circlets.⁶⁷ Type 2 also has a less splayed nozzle and a shorter ledge around the filling hole.⁶⁸

Unlike ESA, Herodian lamps were a *de novo* development near the turn of the eras, and therefore changes to their distribution cannot be traced. Whereas a favorite lamp among Judeans of the previous generation was a mold-made, long-nozzled lamp decorated with radiating lines creating a sunburst effect around the filling hole, towards the end of the first century BCE, the wheel-made, undecorated Herodian lamp quickly predominated. Its distribution pattern is remarkable. The Herodian lamp has been found at nearly every excavated Judean site with strata dating between 15 BCE

⁶² So Avigad 1983, 88; Adan-Bayewitz et al. 2008, 39. Avigad (1983, 85) originally dated the construction of the “Herodian Residence” to the late Hasmonean period, but in the final reports, the excavators argue that further analysis of the stratigraphy, ceramics, and especially coins demonstrate that stratum 3 in Area E (and Area J), which contains the Herodian Residence (Building 721), was only in use from about 20 BCE to 15–12 BCE. See Geva 2006a; Ariel 2006.

⁶³ Bar-Nathan 2002b, 112–13.

⁶⁴ Adan-Bayewitz et al. 2008, 39.

⁶⁵ R.H. Smith 1966; Adan-Bayewitz et al. 2008, 39–40. Sussman (2012, 86) adds four additional types, most of which bear only slight differences from Types 1 and 2, with the exception of Sussman’s Type 6, which has two nozzles. Barag and Hershkovitz (1994, 43–4) come up with thirteen types, including several types with multiple nozzles.

⁶⁶ Sussman 2012, 80–1.

⁶⁷ On decorative motifs, see Sussman 2012, 82–4.

⁶⁸ Adan-Bayewitz et al. 2008, 40.

and 70 CE. It was also used by non-Judaeans at places like Dor, Scythopolis, Oboda, and Aroer.⁶⁹

A series of laboratory analyses performed on Herodian lamps by a team led by David Adan-Bayewitz (instrumental neutron activation, high-precision X-ray fluorescence, and micromorphological analyses) discloses a telling pattern.⁷⁰ While the Herodian lamps at non-Judaeen sites were locally produced using local clays, those at Judaeen sites were all made of Motza clay from the Jerusalem vicinity. At the Binyanei Ha'uma site in Jerusalem, archaeologists have discovered one of Jerusalem's main pottery manufacturing centers and have confirmed through neutron activation analysis that the vessels produced there were made primarily from Motza clay.⁷¹ At the same time that Judaeans in the Galilee were using Herodian lamps made from Motza clay from Jerusalem's environs, however, the inhabitants of nearby Scythopolis were acquiring Herodian lamps made at local workshops using local clays. That craftsmen produced a less common lamp (the "northern collar-neck lamp") in Galilee on a wheel demonstrates that northerners had the necessary technology.⁷² In fact, at least one Herodian lamp from Gamla and one from Jotapata were produced at the Shikhin workshop in the Galilee,⁷³ where a mold-made version of the Herodian lamp would be manufactured after 70 CE.⁷⁴ This proves that Herodian lamps could easily have been locally produced. Some preference, then, must account for the emergence and unusual distribution of this lamp made out of clay from the vicinity of Jerusalem.

Most scholars have been quick to assume on the basis of these analyses that the Herodian lamps themselves – that is, the final products – were exported from Jerusalem to other parts of Palestine. Magness has rightly noted the possibility, however, that raw Motza clay was quarried and transported in bulk to workshops throughout Palestine.⁷⁵ Such interregional transport of quarried blocks was widely practiced in Roman antiquity, especially with types of marble.⁷⁶ The movement of massive ashlar for the construction of the Temple Mount leaves little doubt that the technology for

⁶⁹ Dor and Scythopolis: Adan-Bayewitz et al. 2008, 46–7, 52. Oboda: Negev 1986, 130. Aroer: Biran and R. Cohen 1981, 270–2.

⁷⁰ Adan-Bayewitz et al. 2008.

⁷¹ Berlin 2005b.

⁷² Adan-Bayewitz et al. 2008, 74.

⁷³ Adan-Bayewitz et al. 2008, 74.

⁷⁴ J.R. Strange 2015, 101–3.

⁷⁵ Magness 2011b, 63, 220 n. 72. Potters' procurement of clay from other locales seems to be implied in some later rabbinic texts: e.g., t. B. Meṣ. 6:3; b. B. Meṣ. 74a.

⁷⁶ C. Adams 2007, esp. 199–205; Hirt 2010; Russell 2013.

such heavy transport was available in Jerusalem. Moreover, as Magness notes, importing the raw materials would have alleviated the risk of damaging the lamps during transport and eliminated the additional transaction costs of prohibiting such breakage.⁷⁷ In just this way, the community at Qumran, which had its own potters' workshop and no obvious source of clay nearby, apparently imported Motza clay and made its own vessels on site.⁷⁸

While this theory of the transport of raw Motza clay deserves consideration, it also leaves some unanswered questions. Why, for instance, would manufacturers be willing to accrue the costs of transporting Motza clay when local clay was readily available? And, even more significantly, why has no evidence been discovered of local production of vessels using imported Motza clay at sites where local clay was available? On the contrary, the workshop at Kefar Hananyah made vessels from Hananyah Valley clays while the Shikhin workshop used clay from the Beit Netofa Valley.⁷⁹ If Judeans in the Galilee considered the Motza clay itself, rather than the finished lamps, as special in some way, then we should expect that they would produce most of their pottery (not just their lamps) from this imported clay like the community at Qumran apparently did. Furthermore, the depiction of a Herodian lamp on the stone from the Magdala synagogue in association with a menorah and architectural features that resemble the Temple and its precincts suggests that the lamp itself was symbolically tied to the Temple.⁸⁰ While such a connection does not entail that the lamps were not locally manufactured using clay from Jerusalem, it does betray the perception that the final product was associated with Jerusalem. Ultimately, it is plausible that some Motza clay was imported and used to produce lamps at local workshops, but it is unlikely that the majority of Herodian lamps made of Motza clay were manufactured in this way.

Archaeologists have come up with several theories to explain why Judeans outside Jerusalem would prefer Herodian lamps from Jerusalem. Before compositional data were available, scholars attributed its appearance and popularity surge to low cost, assuming that it was inexpensive.⁸¹ Now that it is clear that Judeans imported these lamps (or at least the

⁷⁷ Magness 2011b, 63.

⁷⁸ Magness 2011b, 62–3; 2002, 73–89. For the neutron activation analysis results for the Qumran pottery, see Michniewicz and Krzysko 2003; Gunneweg and Balla 2003.

⁷⁹ Adan-Bayewitz 1993, 60–82.

⁸⁰ Binder 2014, 31–2; Peleg-Barkat 2016, 40; Fine 2017, 28, 37; contra Aviam (2013b, 212–13), who argues that the image depicts a hanging incense vessel.

⁸¹ R. Smith 1966, 5; McCown 1947, 57, citation from Barag and Hershkovitz (1994, 45), who concur with McCown. See also Sussman 2012, 89.

clay used to make them) from Jerusalem instead of acquiring local lamps, however, Berlin has rightly noted that they would not have been a person's cheapest option.⁸² Another theory is that the preference for these lamps reflects newfound religious concerns and is part of the same development as stone vessels and *miqva'ot*. As a product of the holy city, perhaps procured during pilgrimage, these lamps "may have had some socio-religious or ritualistic significance."⁸³ A hint as to this religious impetus may be found in a saying in the Mishnah attributed to Rabbi Eliezer ben Hyrcanus that the filling hole of an oil lamp must be big enough for a coin to pass through:⁸⁴ "What is the measure of a breach that suffices in an earthenware vessel to render it insusceptible to uncleanness? ... R. Simeon says: ... In a lamp the measure is such that oil will drip through. R. Eliezer says: A small coin."⁸⁵ Several Roman mold-made lamps unearthed in first to third century CE Judaeen contexts with their image-bearing discs punched out suggest that, at least in this later period, lamps with wide filling holes were appreciated as an alternative to disc lamps, in keeping with scriptural prohibitions against graven images of living beings.⁸⁶ This later evidence may shed light on the situation near the turn of the eras, since it was also around this time that Roman mold-made lamps with concave, decorated discs became popular among non-Judaeans in the Levant.⁸⁷

The nozzles of Herodian lamps are so similar to the short, flaring nozzles of many Roman disc lamps that some scholars have even suggested that the Herodian lamps took their influence from Roman lamps, for which they were produced as a substitute.⁸⁸ Magness thus concludes that "the motivating factor was a desire to avoid the figured images that typically decorate Roman mold-made lamps."⁸⁹ This desire would then have induced what Mattila describes as more "introverted" market exchange among Judaeans, centered on Jerusalem.⁹⁰ Given the later evidence of Judaeans

⁸² Berlin 2005a, 434–6. See also Magness 2011b, 65; Fiensy 2014, 91.

⁸³ Adan-Bayewitz et al. 2008, 75. See also Aviam 2013a, 34.

⁸⁴ G. Gardner 2014.

⁸⁵ M. Kelim 3:1–2. All translations of the Mishnah are my adaptations of Danby 1933.

⁸⁶ Exod 20:4; Deut 5:8. See G. Gardner 2014, 286–7; Sussman 2012, 61. See, however, the argument of Tal and Bastos (2015) that the intentionally broken disc lamps from Apollonia were probably mutilated by Christians or Samaritans.

⁸⁷ Rosenthal and Sivan 1978, 85–90; Bailey 1994; Sussman 2012, 10–23.

⁸⁸ McCown 1947, 57; Kahane 1961, 135; Barag and Hershkovitz 1994, 46; Magness 2011b, 65. Magness notes that, in addition to Roman lamps, the Herodian lamps were also influenced by earlier Judaeen mold-made lamps with radiating lines around a large filling hole.

⁸⁹ Magness 2011b, 65. Magness is somewhat at odds with Berlin here, who argued that the rejection of ESA is anti-Romanization. With the Herodian lamps, however, Berlin (2005a, 434–46; 2014b, 213) has emphasized that they represent a Judaeen desire for an austere lifestyle.

⁹⁰ Mattila 2014a, 327–33; 2015, 244.

viewing larger central filling holes as an acceptable alternative to Roman discuses, and the temporal convergence of the Herodian lamp's appearance with the widening distribution of Roman discus lamps, Magness's theory has much merit.

Attention to class distinctions in the distribution of oil lamps in Early Roman Palestine shows, however, that not all Judaeans were opposed to Roman mold-made discus lamps. Because the use of Herodian lamps by Judaeans in Palestine transcends regional and class divisions, divergences in the use of other types of oil lamps in different socioeconomic settings have been overlooked. Whereas the Herodian lamp was the predominant lamp among non-elites, elite material imprints often also evince the use of an array of imported lamps, including Roman mold-made discus lamps.⁹¹ From the Jerusalem Jewish Quarter mansions, Avigad notes a local version of a Roman discus lamp with a chariot motif on its discus, but Magness suggests that this is from later than the first century CE.⁹² Similarly, Jewish Quarter Area N produced a discus lamp with a unique scene depicting humans and a monkey, but it might be later than 70 CE and from non-Judaean occupants.⁹³

In the "Burnt House" (Area B), however, a first-century CE context yielded a regional version of a mold-made lamp with an image of a rabbit nibbling on grapes on its discus.⁹⁴ Another mold-made lamp from this mansion preserves part of a discus showing a maritime scene, which in *comparanda* usually includes crocodiles and dolphins.⁹⁵ Human faces also appear on the nozzles of three lamps from the Jewish Quarter mansions, but their rendering is simplified and schematic.⁹⁶ Outside of Jerusalem, the Judaean elites living at the way station at Ḥorvat Mešad used a discus lamp that likely had a figural decoration, but the image is not preserved.⁹⁷ Although these exceptions commend attention, it seems that Judaean elites

⁹¹ Magness (2011b, 65) notes as an exception to her theory, for instance, that an example of a Roman lamp with a discus featuring the image of a griffin was found at the Judaean farmhouse at Ḥorvat 'Aqav. See Calderon 2000, 102–3, fig. 4. Moreover, as Calderon notes, most *comparanda* are from the second- to third-century CE contexts. Thus, it is unlikely that this is a pre-70 CE specimen, especially considering the lengthy settlement of this site.

⁹² Avigad 1983, 204, fig. 252. Magness (2011b, 65, 221 nn. 80–1) notes that this lamp is from an unknown stratigraphic context.

⁹³ Rosenthal-Heginbottom 2014a, 189, 210–11: pl. 4.5:2.

⁹⁴ Geva 2010b, 129–30, 148–9: pl. 4.8:9. Note that this mansion – the one most likely to have belonged to priestly elites on the basis of the Bar Qathros stone weight inscription and other indicators – also yielded a gemstone with a scorpion on it. See Geva 2010a, 69, 211: color plate xv:5; Hershkovitz 2003a, 299, photo 10.3 (no. 3).

⁹⁵ Geva 2010b, 129, 146–7: pl. 4.7:9.

⁹⁶ Rosenthal-Heginbottom 2003, 219, 254–5: pl. 6.12:7; Hershkovitz 1985.

⁹⁷ Fischer 2012, 118, 121, fig. 5.26: 6–7.

only rarely used image-bearing Roman discus lamps or local imitations thereof.⁹⁸

On the other hand, a number of Judaeen elites did use imported or local mold-made discus lamps, usually coated in slip and decorated, just not with figural images. Their decoration often included floral motifs, as was common in elite Judaeen art of this period in other media. For instance, imported Italian lamps from Masada included whorl rosettes on their discuses, and imports and regional variants from the Jewish Quarter mansions also depicted whorl rosettes or geometric designs.⁹⁹ A more significant number of lamps of Judaeen elites have wide central filling holes like the Herodian lamps but are mold-made and feature floral and geometric designs on their nozzles, shoulders, or handles.¹⁰⁰ The elites living in the mansions of Jerusalem's Upper City also imported a variety of lamps including Greek- and Ephesos-types, Knidian and Levantine products, and other eastern Roman imperial lamps.¹⁰¹

One type of Roman imperial lamp was particularly popular among Judaeen elites.¹⁰² Known as the Broneer XXI, all examples of this type found in Judaeen settings originated in the eastern empire rather than Italy.¹⁰³ These are "large lamps with one or more long round nozzles and double volutes, and large handles in the shape of leaves, crescents and busts," as well as smaller versions with two nozzles.¹⁰⁴ They have large discuses with small filling holes and often feature figural images or other decorative patterns on their discuses. Broneer XXI lamps emerged in the early Augustan

⁹⁸ That the owners of the mansion known as the house of Caiaphas included birds in their frescoes indicates that some Jerusalem elites, at least, were not concerned about the prohibition against figural images in this period (Broshi 1975, 57–60; Magness 2011b, 10). As Magness points out, another residential complex southwest of the Temple Mount included a stucco frieze with images of a lion, lioness, antelope, rabbit, and even a pig.

⁹⁹ Masada lamps with rosettes: Bailey 1994, 79–80 (nos. 138–9), 98 (these lamps could be Herodian, but it is also a possibility that they were imported by the first Roman garrison like other lamps from Masada). Jewish Quarter lamps with rosettes: Rosenthal-Heginbottom 2006, 145, 163; pl. 5.1:4; 2003, 200, 246–7; pl. 6.8:1; although the discus is not preserved, a lamp from the Burnt House might also be of this type: Geva 2010b, 129, 146–7; pl. 4.7:8. For a lamp from the Jewish Quarter with geometric designs, see Rosenthal-Heginbottom 2003, 205, 254–5; pl. 6.12:4.

¹⁰⁰ See, e.g., Barag and Hershkovitz 1994, 59–71 ("Type D"); Rosenthal and Sivan 1978, 82–4. A small fragment of this type of lamp was found in the basilical building at Gamla (Syon and Yavor 2005, 57–8, fig. 14.9). The authors note that the only other lamp possibly of this particular type known from the north is from Capernaum (Loffreda 1974, 110: fig. 36:12).

¹⁰¹ Rosenthal-Heginbottom 2014b, 378–82.

¹⁰² Rosenthal-Heginbottom 2014b, 381–2.

¹⁰³ Rosenthal-Heginbottom 2014b, 381.

¹⁰⁴ Rosenthal and Sivan 1978, 19. For the original identification, see Broneer 1930, 73–6.

period and lasted through the Flavian era, with lamps from the latter part of this period including more elaborate decorations on their discuses. Broneer XXI lamps were found in several Judean elite contexts, including Lower Herodium, Masada, Jericho, the Jewish Quarter mansions, and in a first-century CE assemblage from an elite tomb chamber at Akeldama in the Jerusalem necropolis.¹⁰⁵ All of these examples were decorated, but the extant fragments preserve no evidence of figural images. Closely related mold-made discus lamps known as Broneer XXII–XXIII also appear, though less often, and are smaller with single triangular nozzles and more intricate pictorial scenes.¹⁰⁶

Chester McCowan even posited that the Herodian lamp was likely designed as an austere “substitute” for the Broneer XXI.¹⁰⁷ Other scholars have argued that the smaller Broneer XXVII lamp was a more likely prototype,¹⁰⁸ but this lamp was not in vogue until the end of the first century CE.¹⁰⁹ It is better to view both Broneer XXVII and the Herodian lamp as regional adaptations influenced by Broneer XXI and Broneer XXII–XXIII, types which at least some Judean elites continued to use throughout the first century CE.

That Roman mold-made discus lamps, especially the Broneer XXI, were used with some regularity by Judean elites indicates that the emergence of the Herodian lamp had a significant class dimension. Just prior to the period when Herodian lamps emerged, lamp fragments from elite residences in Jewish Quarter Areas E, J, and N show that Judean elites were using imported mold-made discus lamps. Thus, if the appearance of the Herodian lamp was a reaction to the spread of Roman imperial mold-made discus lamps, as Magness convincingly argued, I propose that they

¹⁰⁵ Herodium: Bar-Nathan 1981, 65–6, 124: pl. 8:7. Masada: Bailey 1994, 81–4, nos. 148, 154–9 (though note that these all probably date to the period of Roman occupation in the first century CE). Jericho: Bar-Nathan and Kamil-Gitler 2002, 191–2, pl. 28, nos. 549–50 (these lamps are from the late phase and might also have been brought by Roman soldiers). Jewish Quarter: Rosenthal-Heginbottom 2014b, 381; 2014a, Area J (earliest examples of this type from the Jewish Quarter): 180, 204–5: pl. 4.2:5–6; Area N: 188–90, 210–11: pl. 4.5:1, 3; 2003, 200, 246–7: pl. 6.8:1–2; 205, 254–5: pl. 6.12:10, 12–13; Geva 2010b, 129, 146–7: pl. 4.7:8. Akeldama (Cave 1: Chamber C): Avni and Greenhut 1996, 83, fig. 4.8:1. Additionally, for a Broneer XXI lamp in the late Judean fills at the Armenian Garden site, see Tushingham 1985, 374: fig. 24:13.

¹⁰⁶ On Broneer XXII–XXIII, see Broneer 1930, 76–9; Rosenthal and Sivan 1978, 22–31. Broneer XXII lamps were especially popular in Nabataea, as noted by P. Hammond (1957). For lamps from the Jewish Quarter, see Rosenthal-Heginbottom 2014b, 381; 2006, 145, 163: pl. 5.1:4; Geva 2010b, 129, 146–7: pl. 4.7:9.

¹⁰⁷ McCowan 1947, 57.

¹⁰⁸ Kahane 1961, 135; Barag and Hershkovitz 1994, 46.

¹⁰⁹ Broneer 1930, 95; Rosenthal and Sivan 1978, 52.

were also, and especially, a response to the use of those lamps by Judaeen elites. Once the Herodian lamps became widespread, Judaeen elites used them without reservation, often acquiring examples with some decoration on their nozzles.

While non-elites almost exclusively used Herodian lamps from the last decades of the first century BCE through the Temple destruction in 70 CE and beyond, however, Judaeen elites also used imported and local mold-made lamps with elegant decorations. Unfortunately, not enough data are available from elite settings in the north to know whether this class distinction was uniform across Palestine. Regardless, the fact that Judaeen elites used precisely the types of decorated lamps non-elites eschewed, even if they did not include figural images in most cases, indicates that oil lamps became a marker of class distinction around the turn of the eras in a more pronounced way than they had been in earlier generations.

These cultural and economic aspects of oil lamp usage extended beyond the form of the lamps. A recent study of oil lamp residue has demonstrated, for instance, that in the Early Roman period as in earlier eras, Jerusalem's elites exhibited a clear preference for olive oil as the fuel for their lamps. At the same time, however, Jerusalem's non-elites began to use date palm oil more regularly than olive oil only in the Early Roman period.¹¹⁰ While the sample size of this analysis remains too limited and selective to prove major trends across Palestine's Judaeen population, it suggests that elites and non-elites in Jerusalem at least tended to use different types of oil in their lamps in the Early Roman period. This choice had an economic dimension inasmuch as olive oil was more expensive than other plant oils and was superior for burning and lighting. Whereas olive oil was cultivated around Jerusalem, however, palm oil was produced in the Jericho region and thus had to be transported to Jerusalem. Palm oil, therefore, was not necessarily a more economically rational option.¹¹¹

The authors of this study have argued that this oil usage corresponds to ideological differences, implying that non-elites eschewed oil produced by the farms owned by Jerusalem's elites.¹¹² It is difficult to believe, on the basis of the available data, that non-elites would make such a collective decision. It is more likely that elite demand for olive oil raised its prices in Jerusalem, thereby opening up a market for the less expensive palm oil among non-elites. Perhaps the increased production and use of palm oil

¹¹⁰ Namdar et al. 2017.

¹¹¹ Namdar et al. 2017.

¹¹² Namdar et al. 2017.

was also related to the vigorous production of Herodian lamps and their demand among Judean pilgrims.

In sum, the rise and rapid spread of the wheel-made, knife-pared Herodian lamp made of Motza clay as an alternative to Roman mold-made discus lamps constitutes a substantial eschewal of elite material practices by non-elites. The non-elite preference for Herodian oil lamps, imports from Jerusalem either acquired on local markets or procured during pilgrimage, was not simply economic. Rather, it communicated the shifting class dispositions of non-elites as they reacted to the changing social and cultural norms of Judean elites in Jerusalem and elsewhere. Judean elites apparently came to enjoy the Herodian lamps as well, but they did not cease to broadcast their socially and culturally differentiated taste preferences through the use of a variety of decorated mold-made lamps.

Dress

An area of class distinctions about which far too little is known, but should be noted in any case, is personal fashion – especially, jewelry and clothing.¹¹³ An individual's fashion tastes were constrained by both economic resources and social dispositions, while also conveying individual preferences. Jewelry and clothing thus provide a window into not only the material resources of individuals but also how individuals represented their class and status.

With jewelry in particular, it is clear from literary and material evidence that elites expressed their class (and gender) through both the quantity and quality of jewelry they wore.¹¹⁴ Unfortunately, most archaeological evidence for the use of jewelry is only from elite settings in the later Roman and Byzantine periods, so patterns of jewelry use across the Judean population in the Early Roman period cannot yet be reconstructed. However, an important set of evidence from Gamla has recently been published, which gives a sense of the types of distinctions that would have characterized Judean society. Shua Amorai-Stark and Malka HersHKovitz, in their rigorous study of the Gamla jewelry from the late Hellenistic through Early Roman periods, have found considerable evidence of socioeconomic stratification at Gamla, in corroboration of the evidence of domestic architecture.¹¹⁵ For instance, only Gamla's elites

¹¹³ General considerations: Wallace-Hadrill 2008; Olson 2017. For an overview of the evidence from Roman Palestine: Shamir 2013.

¹¹⁴ See Grossmark 2010; Galor 2010.

¹¹⁵ Amorai-Stark and HersHKovitz 2016, 186.

(or sub-elites) could have afforded some of the rare imported gemstones that have been found, such as citrine and aquamarine insets. At the same time, however, the numerous glass insets and beads that have been discovered would have been worn by a broader sector of the population. Amoraï-Stark and HersHKovitz have thus shown that at the large village of Gamla, wealthier persons differentiated themselves through adornment with types of jewelry similar to those in fashion throughout the East. In some cases, these stones even included images of animals and plants.¹¹⁶

Elite tastes in jewelry, then, helped to stimulate the integration of Gamla with supraregional trade networks. But at the same time, less wealthy individuals who nevertheless had surplus resources (the authors call them the “middle-class”) wore jewelry that was locally made from glass and more common local stones. Those near and below subsistence, however, would not have been able to afford even this less expensive jewelry; they would have owned little if any jewelry.¹¹⁷ The evidence from Gamla shows that economic resources and socio-cultural (class, status, gender, and ethno-religious) dispositions played a role in individual preferences for types of jewelry. Elites, notably, sought out jewelry that was partially or fully imported and therefore resembled jewelry worn by elites in other parts of the Roman East. While we should expect regional differences in Palestine as to the specific types of jewelry worn, the socioeconomic distinctions that influenced jewelry tastes in Gamla would have been the case throughout Early Roman Palestine.

As with jewelry, there is some notable, if limited, evidence for class distinctions in clothing in Early Roman Palestine. Archaeology, in particular, has provided some valuable information from the Dead Sea region since the arid conditions there have allowed for some textiles to be preserved.¹¹⁸ Most of the garment fragments that have been discovered were made of wool or linen but not a mixture of the two as was common in the surrounding regions. This may signify observance of the prohibition against mixing (*sha‘atnez*) in Lev 19:19 and Deut 22:11.¹¹⁹ The garments found at Masada (ca. 74 CE) and the Cave of Letters (ca. 135 CE) indicate that some Judaeans men and women in Roman Palestine dressed in a sleeveless white tunic that was covered by a rectangular mantle.¹²⁰ Tunics were often decorated

¹¹⁶ Amoraï-Stark and HersHKovitz 2016, 186.

¹¹⁷ Amoraï-Stark and HersHKovitz 2016, 133.

¹¹⁸ For a recent overview of ancient Judaeans dress as known from literature and archaeology, see Shlezinger-Katsman 2010. See also Sheffer 2000; Roussin 2001.

¹¹⁹ Cf. Deut 22:11; 4QMMT B 77–8; Magness 2002, 195–6; Shamir 2017.

¹²⁰ Sheffer 2000, 940.

with two colored bands known as *clavi*, which were typically blue-purple and descended vertically down the front and back of the tunic from the neck opening. As Magness points out, “the broader the stripes, the higher the wearer’s rank.”¹²¹ The decorations on mantles included notched bands and gammadic designs, while observant Judeans would attach *tsitsit* (ritual fringes) to the four corners of the mantle.

It is difficult to determine how widespread such garments were across Judean society and how clothing schemas changed over the course of the Early Roman period (noting that most of our evidence is from Early Roman II contexts). What is likely, however, is that those near and below subsistence would not have been able to afford multiple garments, high-quality garments, or dyed garments.¹²² Those near and below subsistence wore garments made of low-grade wool that were brown or gray in color, ragged from overuse, and patched from repeated mending.¹²³ Among those who could afford both a tunic and mantle, quality and design betrayed social distinctions.¹²⁴ For instance, Josephus depicts Simon bar Giora attempting to escape the notice of the Romans by dressing in a white tunic with a purple mantle over it. This mantle was probably similar to the *paludamentum* worn by Roman military commanders.¹²⁵ Regardless of the historicity of this scene, Josephus clearly assumes that conventions of dress corresponded to social distinctions.

When dye, in particular, was incorporated in garments, it conveyed not only distinctions of rank, but also of class. Dyeing garments was a process that acquired additional resources (e.g., dye made from materials extracted from plants or shells) and labor, and thus a greater cost. Naama Sukenik, for instance, has shown that the wool fragments dyed blue-purple from Wadi Murabbaʿat were made by exploiting murex mollusks for dye.¹²⁶ Notably, murex shells have been found in abundance at the elite residence at Mount Zion as well as in the Jewish Quarter mansions.¹²⁷ Furthermore, numerous literary sources attest to purple dye conveying wealth and social prestige, not

¹²¹ Magness 2002, 195.

¹²² Sheffer (2000, 941) points to Simon Peter apparently only wearing a mantle in John 21:7 as suggesting that those near and below subsistence like fishermen may have only worn one garment.

¹²³ Hamel 1990, 57–93; G. Gardner 2015, 52–3.

¹²⁴ See, for instance, the essays in Edmondson and Keith 2009.

¹²⁵ Josephus, *B.J.* 7:26–36. See Edwards 2001, 155. On military dress as a marker of status in Roman Palestine, see further Stiebel 2014.

¹²⁶ See Sukenik et al. 2013.

¹²⁷ Gibson 2010, 35; cf. Mienis 2006.

to mention royalty.¹²⁸ This connection between elites and purple dye does not mean that only elites wore dyed garments, but it does suggest that the amount of dye used in clothing was relatively proportional to wealth.

These dyed garments contrast starkly with the exclusively undyed, white, fine linen garments discovered at Qumran.¹²⁹ Notably, these garments were white and finely made, and thus were not clothing of the poor. They were intended, however, to *represent* a class difference between the sectarians and Jerusalem's elites. Josephus sheds some light on this distinction in his discussion of the Essenes:¹³⁰

Riches they despise ... for they make a point of keeping a dry skin and always being dressed in white. ... They do not change their garments or shoes until they are torn to shreds or worn threadbare with age. ... [A man joining the sect is made to swear an oath that] he will never abuse his authority nor, either in dress or by other outward marks of superiority, outshine his subjects.¹³¹

In this fascinating agreement between text and archaeology, Josephus reveals something about motives that we might not understand from the textiles alone. He reports that the Essenes dressed in plain white garments not to show that they were sectarian *per se*, but to identify themselves as opposed to the rich and to class distinctions within their sect. Murphy's insightful work on wealth and poverty in the Dead Sea Scrolls and at Qumran further illuminates this practice. Murphy has shown that many of the sectarian scrolls advance a class subjectivity as poor, despite numerous signs that the community of Essenes at Qumran consisted of priestly elites who changed their lifestyle in opposition to Jerusalem's new priestly elites. For instance, osteological data shows that these sectaries probably did not engage in a lifetime of agrarian labor and also seem to have eaten relatively well.¹³² An inscribed ostrakon corroborates this impression, indicating that the community relied to some degree on slave labor.¹³³

¹²⁸ Sir 40:4; 1 Macc 10:64; 2 Macc 4:38; Luke 16:19; Rev 17:4; 18:12, 16; *Jos. Asen.* 5:5; Josephus, *A.J.* 17:197. Cf. Acts 16:14. Purple (and gold) were, notably, also colors associated with the high priests and Temple cult: e.g., Exod 26:1; 39:24, 29; Sir 45:10; Josephus, *B.J.* 5:212, 232.

¹²⁹ Shamir and Sukenik 2011; Magness 2002, 193–202 (on literary sources indicating that priests must not wear wool, see esp. 200–1). Whiteness in ancient textiles was polysemic; it was often associated with cult and purity and symbolically associated with simplicity as opposed to the elaborate designs of the affluent. These textiles were not, however, simple to produce: whiteness, instead of paleness, entails deliberate processes that could be extensive (Cleland 2017).

¹³⁰ Cf. Philo, *Hypoth.* 11:12; *Prob.* 86.

¹³¹ Josephus, *B.J.* 2:122–3, 126, 140.

¹³² Murphy 2002, 333–43.

¹³³ Cross and E. Eshel 1997.

While there are not enough preserved materials to describe such class distinctions across society, the Qumran evidence in concert with Josephus demonstrates that at least some Judaeans differentiated themselves from Palestine's elites by wearing unadorned clothing.¹³⁴ This shows both that Judaeans in this period identified themselves according to class through dress and that they could alter class dispositions and perceptions by strategically changing their dress.

Mortuary Practices

In nearly every asymmetrical society, burial customs are one of the most recognizable signals of class distinction. Palestine was no different. Non-elites had an entirely different set of burial practices than elites, although there was also considerable variation on either end of the spectrum. Throughout the Roman Empire, non-elites often received nondescript trench or pit burials whereas elites were buried in monumental tombs.¹³⁵ In the Isola Sacra necropolis between the cities of Ostia and Portus near Rome, for instance, monumental tombs of elites were surrounded by non-elite trench burials marked only with broken roof tiles or amphoras.¹³⁶ The same must have been the case in Palestine, but due to years of continuous occupation, most markers on non-elite graves have been covered up or lost. At the Middle Roman period Judaeen necropolis at Beth-She'arim, however, non-elite trench and cist (stone-lined) burials are interspersed between elite rock-cut tombs and less extravagant shaft-entrance tombs.¹³⁷

Such a diversity of burials, representing different class imprints, was probably the case throughout Judaea. As Magness explains, even a maximalist calculation of the number of burials that could have taken place in the tombs of Jerusalem's necropolis represents only a small minority of a minimalist calculation of Jerusalem's population.¹³⁸ Because the first substantial cemetery of non-elite burials archaeologists discovered was at Qumran, the settlement associated with the sectarian community of Essenes to whom many of the Dead Sea Scrolls are attributed, such burials have been considered sectarian and heterodox. Consequently, when

¹³⁴ Another instance in which dress functions as a node of class differentiation is in Josephus's opposition to the idea of lower-level priests (whom he calls Levites and "singers of hymns") wearing the same garments as priests. See *A.J.* 20:216–18.

¹³⁵ Magness 2011a, 130–1. See further Toynbee 1971.

¹³⁶ Petersen 2011, 184–226.

¹³⁷ Avigad 1976, 125–30.

¹³⁸ Magness 2012, 244.

comparable cemeteries were discovered at Beit Safafa and 'Ein el-Ghuweir, they were quickly labeled additional Essene cemeteries.¹³⁹ As the corpus of excavated non-elite graves grows, however, the idea that these were non-normative burials falls by the wayside.

Non-elite Burial

Non-elites in Early Roman Palestine performed burial in a variety of ways that did not typically involve rock-cut family tombs or ossuaries. For instance, the relatively well-off community of sectaries at Qumran, whose writings indicate that they elected to live modestly, buried their dead as non-elites did. Of the 1100–1200 graves surveyed at Qumran, only a small portion have been excavated.¹⁴⁰ Those that probably date to the Early Roman period in the “western sector” were organized into rows and oriented north–south (with heads towards the south). They consisted of trenches dug 1.5–2.0m into soft marl stone, with bodies usually placed in niches at the bottom of the trench, which were dug sideways to the east. The body was then closed in with mud bricks or stone slabs before being covered with earth. Stones were situated in an oval-shaped pile on top of the grave, with headstones on either end.¹⁴¹ Before burial, bodies were apparently wrapped in linen shrouds, and in some cases placed in wooden coffins.¹⁴² Few or no grave goods were interred with the bodies.¹⁴³ Four graves contained more than one body, and a few skeletons were in secondary burials.

The excavated bodies in the main cemetery at Qumran consisted mostly of men,¹⁴⁴ whose bone pathology confirms that they enjoyed greater economic stability during their lives than their style of burial implies.¹⁴⁵ According to Joseph Zias, the dental evidence shows that the males buried in this cemetery “were not indigenous to the desert region but came to the site after their formative years.”¹⁴⁶ Their diet and lifestyle differed markedly from that of men who typically dwelled in the desert, yet their average life

¹³⁹ So Bar-Adon 1997; Zissu 1996; 1998; 1999; Hachlili 2005, 20–1.

¹⁴⁰ de Vaux 1973, 45–8; Hachlili 1993, 247–64; Magness 2002, 168.

¹⁴¹ De Vaux 1973, 46.

¹⁴² De Vaux 1973, 46–7; Magness 2002, 168.

¹⁴³ Exceptions include an oil lamp in T26 and cylindrical jars or jar fragments in a few graves (Magness 2002, 169; Hachlili 2010, 58–60).

¹⁴⁴ Zias 2000; Magness 2002, 169–73.

¹⁴⁵ Röhrer-Ertl et al. 1999; Murphy 2002, 333–43.

¹⁴⁶ Zias 2000, 238.

span was only thirty-four years.¹⁴⁷ This short life span may have been the result of the sectarians relocating to a much harsher environment, but in any case the dental pathology strongly suggests that these men altered their lifestyles dramatically.¹⁴⁸ Based on the literary evidence, it is likely that this change was voluntary.

Graves of the sort at Qumran required little to no expense, as the graves could be dug in a matter of hours and the materials used (e.g., mud bricks, stones) were all taken from the local surroundings. Only a shroud or coffin might have entailed some expense, but very little at that.¹⁴⁹ While the sectarians interred at Qumran probably did not struggle with subsistence, they generated a class subjectivity for their community as “poor” and buried their dead accordingly.¹⁵⁰

At other sites around the Dead Sea, people who actually lived near or below subsistence interred their dead similarly. Burials of this type in the Nabataean territory east of the Dead Sea at Early to Middle Roman cemeteries at Khirbet Qazone, Khirbet Sekine, Feifa, Petra, and elsewhere demonstrate that this practice indicates more about class dispositions than sectarian affiliation or even ethnicity.¹⁵¹ West of the sea at ‘Ein el-Ghuweir, a Judaeen cemetery with the remains of male and female bodies, whose pathology indicates their poor state of health, was exposed.¹⁵² Pottery and bronze coins from the cemetery and the associated settlement confirm an Early Roman dating for these burials.¹⁵³

Like Qumran, the dead at ‘Ein el-Ghuweir were buried in niches at the bottom of north–south oriented trenches 1.7–2.0m deep, which were sealed with mud bricks or stone slabs, filled in with earth, and marked by a rectangular pile of stones with larger headstones. This community, however, buried their dead with some local earthenware pottery, most of which

¹⁴⁷ Zias 2000, 238; Murphy 2002, 339. As Hachlili (2010, 63) points out, most of the men in the main cemetery died between the ages of 30 and 45, but there were a few older men (one aged 50 and two aged 65).

¹⁴⁸ H. Eshel 2009, 79–80.

¹⁴⁹ The bodies interred in coffins were likely transported from elsewhere in these coffins, evincing the broader horizons of the sect associated with Qumran: Murphy 2002, 338; Schofield 2009, 269.

¹⁵⁰ Keddie forthcoming c.

¹⁵¹ Politis 2006. For an attempt to preserve the uniqueness of the Qumran burials as a deviant sectarian practice, which also draws on the Nabataean *comparanda*, see Hachlili 2010. One major difference between the Khirbet Qazone and Judaeen burials, however, is that some of the headstones at the former portrayed symbols related to Nabataean deities on them (Magness 2011a, 123).

¹⁵² Bar-Adon 1997, esp. 16, citing the opinion of Dr. Niko Haas on the osteological evidence.

¹⁵³ Bar-Adon 1997, 17 *et passim*.

appears to have been deliberately shattered, perhaps as part of a funerary ritual.¹⁵⁴ One piece preserves the name Yehoḥanan.¹⁵⁵ No evidence of coffins was found, but thin layers of dust in the niches indicate that at least some of the bodies were buried in shrouds.¹⁵⁶ Other bodies may have been wrapped in reed mats based on impressions in the clay of one burial.¹⁵⁷ Nothing about this Judaeen non-elite site connects it with the Qumran community other than its type of burial.¹⁵⁸ Instead, non-elite Judaeans living at 'Ein el-Ghuweir, as well as the cemetery just south of it at Hiam el-Sagha,¹⁵⁹ buried their dead in trenches because rock-cut tombs were beyond their means and preferences.

Trench burials were not just a practice of communities around the Dead Sea, however. At Beit Safafa in southern Jerusalem, there is a cemetery of fifty trench graves. These graves were hewn in the Early Roman period,¹⁶⁰ but some were reused through late antiquity. Only about half of these primary burials have a north–south orientation, while the others are made to suit the topography. As was probably the case throughout the Jerusalem necropolis, no markers have survived on top of the graves.¹⁶¹ The burials consist of trenches 1.5–2.5m deep in soft marl with niches at the bottom, sealed with stone slabs, and covered with earth.¹⁶² Because these graves were situated in Jerusalem's necropolis with little clear organization among them, they should not be viewed as representative of a single family or community.

Even within the cemetery, distinctive practices are discernible. Only one burial made use of a coffin. Another grave housed a smooth ossuary with a flat lid. On the western slope of Mount Zion, there is another instance of an ossuary, decorated in this case, which was buried in a shallow trench.¹⁶³

¹⁵⁴ Bar-Adon 1997, 17. See also Hachlili 2005, 20, 486.

¹⁵⁵ Bar-Adon 1997, 17. The name on this inscription is the strongest available evidence that this site was occupied by Judaeans.

¹⁵⁶ Bar-Adon 1997, 16, 22. See also Hachlili 2005, 18–19 *et passim*.

¹⁵⁷ Bar-Adon 1997, 16, 22.

¹⁵⁸ Bar-Adon (1997) argued that the site was a satellite of Qumran. Aside from the tenuous assumption that this type of burial indicates a common sectarian identity, Magness (2002, 216–23) points out other important differences: that the site and cemetery of 'Ein el-Ghuweir are later than that of Qumran (no earlier than late in the reign of Herod) and that the cemetery at 'Ein el-Ghuweir contained both men and women, unlike the predominately male Qumran cemetery.

¹⁵⁹ H. Eshel and Greenhut 1993.

¹⁶⁰ Zissu 1998, 165 n. 7.

¹⁶¹ Zissu 1998, 160. Their inclusion in the Jerusalem necropolis is demonstrated by two rock-cut tombs approximately 30m away from these non-elite graves.

¹⁶² Zissu 1998, 160.

¹⁶³ Kloner and Zissu 2007, 285, 662: fig. 180. The trench was lined with flat stones and then covered in plaster.

At Dominus Flevit, as well, two inscribed ossuaries were found together in a shallow trench.¹⁶⁴ These ossuary-in-trench burials represent a fascinating compromise of elite and non-elite burial habits, in which a person or their family could afford and desired an ossuary for secondary burial, but either could not afford, did not want, or did not have enough relatives to fill a rock-cut *loculi* tomb.

Additionally, a small number of graves at Beit Safafa had more than one primary burial in them, sometimes arranged as a double-storied trench burial, and another trench grave included more than one skeleton placed together in secondary burial.¹⁶⁵ Other non-elite graves found elsewhere in the Jerusalem area – at Mount Zion, Mamilla, Ramot, Ketef Hinnom, East Talpiyot, near the Damascus Gate, and at Pisgat Ze'ev – attest to this diversity of practices.¹⁶⁶ Unlike the graves at Beit Safafa, some of the others are much more shallow trenches of approximately 0.5m, several of which were hewn in bedrock (cist burials). Outside the Damascus Gate, an infant was even interred in a first-century CE jar.¹⁶⁷ Beyond these distinctions, however, if anything was “normative” – that is, the majority practice – about burials in Early Roman Palestine, it was primary burial in trenches.

Elite Burial

As Magness observes, the existence of rock-cut tombs in Jerusalem in the archaeological record correlates to times in which there was an autonomous or semi-autonomous elite. The construction of rock-cut tombs around Jerusalem mostly dates to the late First Temple period (Iron Age II) and the Hasmonean through Early Roman periods.¹⁶⁸ Their continuation after 70 CE and through late antiquity was not a function of the political autonomy of elites in the same way, but rather of the increased wealth and authority of religious and communal leaders within Judean communities.¹⁶⁹

¹⁶⁴ Bagatti and Milik 1958, 18: no. 425. The authors express confusion about the nature of such a burial, describing it as “an exception.”

¹⁶⁵ Zissu 1998, 160.

¹⁶⁶ Zissu 1998, 166, with references; Kloner and Zissu 2007, 95–7. To this list, Magness (2011a, 122 n. 23) adds Pisgat Ze'ev (Seligman 2006, 58–9). A potentially Early Roman cist grave was found at Mount Scopus, but a Byzantine date remains a possibility (Eirikh-Rose 2010). Hachlili (2005, 22) mentions some of these burials and conveys the theory that they are all Essene graves without issuing her opinion.

¹⁶⁷ Hennessy 1960.

¹⁶⁸ Magness 2007, 228; 2012, 230. On Iron Age burial practices, see Bloch-Smith 1992.

¹⁶⁹ Thus, many of the inscriptions in the Middle to Late Roman Beth-She'arim catacombs describe those interred as rabbi, priest, or *archisynagogos*. See Schwabe and Lifshitz 1974; Weiss 1992; Fine 2010, 451–8.

Because archaeologists are more likely to excavate rock-cut and monumental tombs, and these tend to be more sensational than trench or cist graves, however, class differences in burial practices in the Early Roman period have been mostly overlooked. Rachel Hachlili, for instance, describes the “normative” practice as burial in rock-cut family tombs with individual niches and stone receptacles called ossuaries for secondary burial (*ossilegium*).¹⁷⁰ Eric Meyers and Mark Chancey similarly view the appearance of ossuaries during the reign of Herod as evidence of an emerging “common Judaism.”¹⁷¹ While Magness has been resilient in her efforts to illuminate this class distinction, few have followed her lead.¹⁷² This section builds on Magness’s work by demonstrating the significance of differences between elite and non-elite burials.

When the much older practice of burial in rock-cut tombs became fashionable among Judaeans again in the Hasmonean period, it did not involve secondary burial in ossuaries. Excavations at the Jericho cemetery, in particular, indicate that in the late Hasmonean period, elite Judaeans were often interred in primary burials in wooden coffins situated in individual niches known as *loculi* in Latin and *kokhim* in Hebrew.¹⁷³ This type of burial and its related tomb architecture had been practiced by elites in Marisa in western Idumaea since the early Hellenistic period when they were introduced there by Ptolemaic elites. These burial practices in late Hellenistic Marisa likely had a strong influence on the emergence of *loculi* burials in late Hasmonean and Early Roman Judaea.¹⁷⁴ At Jericho, some Judaeans also practiced secondary burial by systematically gathering the deceased’s bones after decomposition and positioning them in the *loculi* or benches in the tombs.¹⁷⁵

The size of these tombs, quality of goods found within them, and the priestly identity of many inhabitants of Jericho suggest *prima facie* that these were elite burials.¹⁷⁶ In Jerusalem in this period, many more monumental tombs are preserved, which indicate even greater wealth and status than the

¹⁷⁰ Hachlili 1993, 262. See also Hachlili 2005, 66: “The loculi tomb was the common burial form in use during the Second Temple period, first for primary and later for secondary burials.”

¹⁷¹ E. Meyers and Chancey 2012, 49, 138.

¹⁷² Magness’s discussions of this topic include: 2005; 2007, 145–80; 2011a; 2011b, 145–80; 2012, 230–55. Cf. Fine 2000, 75; Goodman 1987, 69. See also, with more of an emphasis on status than socioeconomics: Berlin 2002a; 2005a, 454–66.

¹⁷³ See Hachlili and Killebrew 1999, 59; Kloner and Zissu 2007, 103–7.

¹⁷⁴ Oren and Rappaport 1984, 149–50; cf. Magness 2012, 79–82.

¹⁷⁵ Hachlili and Killebrew 1999, 79.

¹⁷⁶ See Hachlili 1979. Cf. J. Schwartz 1988.

Jericho *loculi* tombs. For instance, a rock-cut tomb attributed by inscription to Jason, a sailor who had traveled to Egypt, had a pyramidal roof, courtyard, and porch with a Doric column and architrave.¹⁷⁷ The *loculi* tomb of Bene Hezir (the “sons of Hezir”), a priestly family, in Jerusalem’s Kidron Valley beneath the Mount of Olives also had a porch with Doric columns, as well as a Doric metope and triglyph frieze. Instead of having a pyramidal roof to function as the monumental marker of the tomb, or *nephesh* (“soul,” “life”), like Jason’s tomb, the Bene Hezir tomb had a separate but adjoining *nephesh* misleadingly known as the tomb of Zechariah.¹⁷⁸ This monumental marker is a rock-hewn cube with carved Ionic columns and a pyramidal roof. The neighboring tomb of Absalom was similarly a large hewn cube that served as a *nephesh* for the rock-cut tomb behind it (the “Cave of Jehoshaphat”), but also for the burial chambers within the superstructure itself. It has carved Ionic columns and a Doric frieze, although its roof is conical.¹⁷⁹ Currently, archaeologists from Hebrew University and the University of British Columbia are excavating a large pyramidal structure from Herod’s time in Ḥorvat Midras in the Judean foothills that also appears to have been a tomb monument.¹⁸⁰ As Berlin puts it, these mammoth Hellenistic-style “Jewish funerary monuments identify the city’s inhabitants, advertise their power, and demarcate their space.”¹⁸¹

This monumentalizing tomb architecture continued among Judean elites in the Early Roman period but with increased attention to façade decoration and the introduction of ossuaries. Although still employing rock-cut *loculi* family tombs, Orit Peleg-Barkat has shown that Judean elites increasingly paid attention to decoration on the façades of their tombs throughout the Early Roman period. By participating in the tendency of elites throughout the Roman world towards higher relief in sculpture and more elaborate uses of drilling (e.g., the so-called Tomb of the Sanhedrin), Judean elites broadcast their refined tastes and worldly stature through decorative motifs on their tombs, as opposed to just through the size and monumentality of tombs as in the late Hellenistic period.¹⁸²

¹⁷⁷ Rahmani 1967; Berlin 2002a, 141–3; Kloner and Zissu 2007, 389–91.

¹⁷⁸ Avigad 1954, 79–90; Kloner and Zissu 2007, 243–6; Magness 2012, 235–6. On depictions of *nepheshot* on ossuaries, see Rahmani 1994, 31–2. For *npš* as funerary monument in Nabataean inscriptions, see TSSI IV: 9:1; 13:1. On Nabataean monumental tombs, see further Netzer 2002, 13–66. On these funerary monuments in their Near Eastern context, see Kropp 2013, 216–24.

¹⁷⁹ Avigad 1954, 96–8; Kloner and Zissu 2007, 241–3; Magness 2012, 236.

¹⁸⁰ The excavations are directed by Orit Peleg-Barkat.

¹⁸¹ Berlin 2002a, 147.

¹⁸² Peleg-Barkat 2012.

Around 20–15 BCE, Judean elites also began using stone ossuaries for secondary burial, and they continued to do so in and around Jerusalem until shortly after 70 CE.¹⁸³ Bodies were initially placed in *loculi* or *arcosolia* (arched niches). After decomposition, the bones were collected and placed into an ossuary, which was then sometimes set back into the niche.¹⁸⁴ These ossuaries varied in appearance. Most were made of soft limestone, but some used a harder variety. Manufactured in the same way and at the same workshops as the stone vessels that also appeared at this time, some of them have the raw hand-carved appearance also typical of some of the vessels. The majority, though, are more carefully smoothed out. Their lids are either flat, curved, or gabled. Many of the ossuaries feature more-or-less intricate decorations and some also have inscriptions, usually very simple and sloppily inscribed ones indicating the name of the deceased and in some cases a relation, profession, or pithy statement of accomplishments.

There has been much debate about the reason for the appearance of ossuaries at this time. Steven Fine emphasized that the massive quarrying operations Herod stimulated with his widespread building program resulted in the industrialization of stoneworking and thus the production and marketing of new stone goods.¹⁸⁵ This is an important connection, but it cannot explain the origins of the precise form of these containers and their use for secondary burial. L.Y. Rahmani argued that the incipient Pharisaic belief in the bodily resurrection of the dead required that the remains of a person be kept together in individual containers.¹⁸⁶ But the fact that a number of ossuaries have been found with incomplete skeletons, or more than one skeleton, in them disproves this theory.¹⁸⁷

¹⁸³ Rahmani 1994, 21–5; Magness 2007, 231 n. 10. Interestingly, the only ossuaries that have been discovered in the Galilee are from after 70 CE, and many are clay rather than stone. On this basis, Syon and Aviam (2002) suggested that *ossilegium* was brought to the Galilee after 70 CE. Judging from the conspicuous absence of monumental tombs in the pre-70 CE Galilee, Berlin (2005a, 464–5) similarly remarks that burial customs were different in the north.

¹⁸⁴ On the practice of *ossilegium* and its variations, see Rahmani 1994, 53–5; Hachlili 2005, 94–114; Kloner and Zissu 2007, 106–21. See also the essays focused on the infamous Talpiot tomb in Charlesworth 2013. On the vocabulary of *ossilegium*, especially as used by the rabbis, see E. Meyers 1971, esp. 49–72.

¹⁸⁵ Fine 2010, 448. See also E. Meyers and Chancey 2012, 78.

¹⁸⁶ Rahmani 1981; 1994, 53–9; 2000a.

¹⁸⁷ E. Meyers 1971, 85–9; Magness 2007, 232–3; 2011, 152; 2012, 241. C. Evans 2003, 30. As Magness and Evans note, an additional problem for the Pharisaic hypothesis is that many ossuaries belonged to priestly elites. Since some (or many?) priestly elites were Sadducees, and literary sources claim that the Sadducees did not believe in resurrection, the notion that ossuaries were connected with the Pharisaic belief in resurrection fails to explain why elites other than Pharisees used them.

Magness has again offered a more cogent explanation by pointing to the influence of Graeco-Roman burial practices. Ossuaries, in both form and function, resemble the small stone urns, or *cineraria*, for cremated ashes that were one burial option used by elites across the Mediterranean in the Augustan age.¹⁸⁸ A regional variation of this practice in Asia Minor even involved the secondary collection of bones in *ostothekai*, or bone-chests.¹⁸⁹ Notably, Christine Thomas has argued that the emergence of these bone-chests in Ephesos, and their increasing ostentation over the course of the first century CE, “was a ritual strategy on the part of freedmen that legitimated their power against the other contenders for power, the provincial elite, the hereditary rulers of Ephesos.”¹⁹⁰ Exceedingly wealthy Italian freedpersons in Ephesos, according to Thomas, used this new type of burial container to express and broadcast their class – their wealth and citizen status – and thus their superiority to the indigenous provincial elites.

The appearance of ossuaries in Jerusalem in the middle of Herod’s reign suggests that the origins of *ossilegium* in Palestine resulted from a competition between elites much like that in Ephesos. It was at this time, after all, that immigrant families of priestly elites began to swell in resources, gain political traction, and contend for power with the indigenous Hasmonean elites. The use of ossuaries in rock-cut *loculi* tombs, then, is best understood as the integration of a widespread Graeco-Roman practice with long-standing Judaeian burial customs as an expression of power and wealth. Although the origination of *ossilegium* in Palestine might plausibly be attributed to the new priestly elites, non-priestly elites also did not hesitate to partake in this new burial practice.

It is possible to establish a connection between *loculi* tombs with ossuaries and Judaeian elites on several grounds. First, because the tombs were carved in rock, often featured monumental facades as well as internal decoration, and they included ossuaries carved from stone that were decorated and sometimes inscribed, it is reasonable to conclude that this type of burial required considerable labor, and thus a hefty price. As to the costs of ossuaries themselves, the amount and intricacy of decoration would have affected cost,¹⁹¹ although the amount of ornamentation does not necessarily

¹⁸⁸ Magness 2007, 233; 2011, 153; 2012, 242. This connection was earlier posited by Foerster 1998; Levine 2002, 264–5.

¹⁸⁹ Magness 2012, 242.

¹⁹⁰ Thomas 2005, 298; 2007. De Jong (2007; 2010) has similarly argued that new funerary practices developed in Syria, and especially Tyre and Berytos, in its first centuries as a Roman province – practices including new types of funerary enclosures to publicly display the class identity of provincial elites.

¹⁹¹ Rahmani 1994, 10.

correlate to the wealth of its user.¹⁹² Two “price tags” have been found on ossuaries, but they do not provide much clarity on costs.¹⁹³ One of these inscriptions lists 1 dinar and 4 me’ot (6 me’ot/obols = 1 dinar/denarius/drachma) on the lid of a plain ossuary,¹⁹⁴ and the other elaborately decorated ossuary bears a cornice inscription giving what is likely the name of the artisan followed by a price of 2 dinars and 4 obols.¹⁹⁵ An inscribed list of wages for twenty-three workers possibly involved in the production of ossuaries indicates that most workers received 1 to 3 obols for their labor while a couple of workers received 3 or 4 dinars.¹⁹⁶

Unfortunately, these numbers raise more questions than they answer. Was the price on the lid of the plain ossuary only for the lid or the whole ossuary? Was the price on the decorated ossuary for the decoration alone or the whole finished product? Were the workers’ wages for a day or for a project? Even if we take a minimalist position on the price of a whole plain ossuary as 10 obols and a maximalist position on the wages, accepting them as daily, then it is still difficult to believe that a near-subsistence skilled worker making between 1 obol and 1 dinar a day could easily afford ossuaries for himself and his family members. As Rahmani explains, 1 obol per day might have kept a single person who was provided meals by his employer at subsistence level, but barely.¹⁹⁷ In that case, a near-subsistence non-elite would scarcely have been able to afford one or more ossuaries. If the price of a rock-cut family tomb, which Shimon Gibson estimates would have taken a team of workers more than fifty days to carve out, is factored in, it becomes obvious that this type of burial was not within the means of most non-elites.¹⁹⁸

Epigraphy establishes a second connection between elites and burials in *loculi* tombs with ossuaries. A disproportionate number of ossuary inscriptions list the names of priestly elites and members of their families. Most famous among these come from the family tomb of Joseph son of Caiaphas, the high priest from 18 to 36 CE whom the gospels portray

¹⁹² Hachlili 2005, 374; Magness 2011b, 151.

¹⁹³ Rahmani 1994, 10–11, 18; Hachlili 2005, 358–60, 373–4.

¹⁹⁴ Rahmani 1994, 10, 221 (no. 696), pl. 100; *CIIP* I.1 91.

¹⁹⁵ Rahmani 1994, 10, 227–8 (no. 730), pls. 103–4; *CIIP* I.1 471.

¹⁹⁶ Rahmani 1994, 7–8; *CIIP* I.1 693. Interestingly, the second highest price on the list, 3 dinars, goes to the first name, the “son of the artist/sculptor” (בן הצייר). Whether the designation refers more immediately to the father or the son probably does not matter.

¹⁹⁷ Rahmani 1994, 7–8.

¹⁹⁸ Magness 2011a, 122, citing an unpublished paper by Gibson. See further, Kloner and Zissu 2007, 19–20.

as handing Jesus over to the Romans.¹⁹⁹ Altogether, twelve ossuaries were found in this tomb in the Peace Forest just south of Abu Tor in southern Jerusalem. One ossuary bore the inscription “Caiaphas,” while another had two inscriptions: “Joseph son of Caiaphas” on both its back and its side, but using a shortened spelling of Caiaphas on the side.²⁰⁰ The latter ossuary, elaborately decorated with an exceptional design with two circles each encompassing six whorl rosettes, probably belonged to the high priest himself. It contained bones of six individuals of varying ages, one of whom was about 60 years old.²⁰¹ A coin of Herod Agrippa I, dated to 42/43 CE, found in the ossuary with the “Caiaphas” inscription, firmly situates these burials at a time in which the Caiaphas family was among the most powerful of Jerusalem’s elites.²⁰²

To these Caiaphas family ossuaries, another may now be added. Although unprovenanced, the IAA recently acquired an ossuary decorated with whorl rosettes and inscribed “Mariam daughter of Yeshua son of Caiaphas, priest from Ma’aziah from Bet ’Imri.”²⁰³ Among the most powerful local elites in Jerusalem, the Caiaphas family buried their dead in a manner they considered befitting for their stature.

In addition to the Caiaphas family tomb, the ossuary of “Yehoḥanah daughter of Yehoḥanan son of Theophilus the high priest” also demonstrates the link between this type of burial and otherwise known priestly elites.²⁰⁴ According to Josephus, Theophilus was Caiaphas’s brother-in-law and successor as high priest from 37 to 41 CE.²⁰⁵ Based on the size of this ossuary, his granddaughter must have died at a young age.²⁰⁶

Another burial complex consisting of two caves joined by a courtyard on Mount Scopus may also be related to a high priestly family. One of its ossuaries is inscribed *Boṭon* and *Shim’on Boṭon*, potentially referring via a Hebrew transliteration of the Greek genitive plural *Boēthōn* to the

¹⁹⁹ Matt 26:3, 57; Luke 3:2; Acts 4:6; John 11:49; 18:13–30; Josephus, *A.J.* 18:35, 95; m. Parah 3:5; t. Yebam. 1:10. On the tomb, see Greenhut 1992; 2000, 219–22; Reich 1992; 2000; Kloner and Zissu 2007, 325. For a synthesis of literary and archaeological sources on the Caiaphas family, see further VanderKam 2004, 426–40; C. Evans 2003, 104–12; 2006; Hachlili 2005, 264–8.

²⁰⁰ CIIP I.1 461 (back: יהוסף בר קיפא; side: יהוסף בר קפא), 463 (קפא) (with thorough discussion and references). See Reich 1992.

²⁰¹ Greenhut 2000, 35.

²⁰² Greenhut 2000, 222.

²⁰³ Inscription: מרים ברת ישוע קיפא כהן ממעדה מבית אמרי (Zissu and Goren 2011; Bauckham 2012).

²⁰⁴ CIIP I.1 534; Rahmani 1994, 259; no. 871, pl. 132; Barag and Flusser 1986.

²⁰⁵ Josephus, *A.J.* 17:78; 18:123; 19:297; 20:223. See VanderKam 2004, 440–3.

²⁰⁶ CIIP I.1, p. 551.

Alexandrian Shim'on son of Boethus appointed as high priest by Agrippa I.²⁰⁷ The presence of an incised object below the inscriptions, which appears to be an altar much like the one incised in plaster from one of the Jewish Quarter mansions, supports this connection. But it remains speculative.

One other tomb related to a known high priest may also have been found in the Akeldama area. When Josephus describes the siege wall that the Roman general Titus built around Jerusalem, he references as a landmark the tomb of Annas, the high priest from 6 to 15 CE and the father of Theophilus and father-in-law of Caiaphas.²⁰⁸ Its location is precisely in the area of Akeldama, where the Hinnom and Kidron Valleys merge south of Jerusalem. Although the tomb was looted and thus yielded no finds, its art and architecture – its triple-gated entrance, apses with benches beside its entrance, domed antechamber engraved with a concentric rosette design, and intricate Attic doorframe with pediment surrounding its most prominent *oculus* – make it a strong candidate for the tomb of Annas.²⁰⁹

Ossuary inscriptions, however, do not only pertain to the high priests we happen to know about from literary sources and their elite families. Besides these famous examples, the corpus of inscriptions from the Jerusalem necropolis attributing ossuaries to priests is considerable.²¹⁰ In Jericho, too, tombs have been associated with priestly elites.²¹¹

²⁰⁷ CIIP I.1 76 (שמעון ברוטן and ברוטן), with discussion of the Boethus connection on p. 120; Rahmani 1994, 84: no. 41, pl. 6. See Josephus, *A.J.* 19:297; cf. 15:320.

²⁰⁸ Josephus, *B.J.* 5:506. On Annas, see VanderKam 2004, 420–4.

²⁰⁹ Ritmeyer and Ritmeyer 1994; 2004, 24–6; C. Evans 2003, 22–3; VanderKam 2004, 424; Berlin 2005a, 461; Rocca 2008, 369.

²¹⁰ C. Evans (2003, 53–4) lists “Pinḥas and ‘Aqaviah the priests” (*CIJ* II 1221), “Shelamzion, daughter of Shim'on the priest” (*CIJ* II 1317 = *CIIP* I.1 259), “son of Shim'on the priest” (*CIJ* II 1411 = *CIIP* I.1 32; actually a graffito on the tomb wall), “Menaḥem, from the sons of Yakim, priest” (= *CIIP* I.1 183), “So'am son of Menaḥem, priest” (Dalman 1914, 136), “Megiste the priestess” (*CIIP* I.1 297). To this list, Magness (2007, 233 n. 16) adds “Ananias a(nd) Ananas” (Rahmani 1994, 250–1: no. 829, pl. 124, fig. 128 = *CIIP* I.1 518), deeming it probable that this ossuary refers to the famous high priests of those names. To these lists, we may now add: “Shim'on son of Yeshua” (*CIIP* I.1 260), who might be the priest named as Shelamzion's father in *CIIP* I.1 259, since they were interred in the same tomb; “El'azar son of Seth” (*CIIP* I.1 335), who might be a brother of the high priest Annas son of Seth (a rare name); “Hizqiya son of Shim'on who is from Ḥalwan, priest” (*CIIP* I.1 530); “Yehuda son of 'Im'” (*CIIP* I.1 268), perhaps a connection to the father of a high priest by the same rare name, Ellemus (Josephus, *A.J.* 17:166); and, the seven ossuaries from the tomb of the priestly Kallon family in the Katamon neighborhood (*CIIP* I.1 366–72; Kloner and Zissu 2007, 395). Additionally, it should be noted that the tomb of the priestly Bene Hezir family continued to be used through the first century CE (*CIIP* I.1 137–8).

²¹¹ Hachlili 1979.

Priests were not the only Judean elites in Palestine who commemorated their dead with impressive tombs. Queen Helena of Adiabene, whom Josephus, rabbinic texts, and other sources remember for her and her family's conversion to the Judean ethno-religion and her charitable acts towards the Judeans, was interred in a sizeable family tomb north of Jerusalem.²¹² Notably, as in "Herod's tomb" at Herodium – a tomb that might have contained members of Herod's family instead of the body of Herod himself – Helena was interred in a sarcophagus as a primary burial.²¹³ Similarly, on Mount Scopus in Jerusalem, an ossuary inscribed with the name "Nicanor of Alexandria" connects the large *loculi* tomb complex it was found in with the person who donated "Nicanor's Gate" to the Temple.²¹⁴ Like Queen Helena and other Judean elites who previously lived in the diaspora,²¹⁵ Nicanor probably purchased land when he moved to Jerusalem and operated agricultural estates on them through an *oikonomos*

²¹² Josephus, *B.J.* 2:388, 520; 4:567; 5:147, 252, 474; *A.J.* 20:17–94; *m. Yoma* 3:8–9; *t. Pe'ah* 4:18; *y. Pe'ah* 1:1; *b. B. Bat.* 11a. Pausanias, *Descr.* 8.16.4–5; Eusebius, *Hist. eccl.* 2.12.132; *CIIP* I.1 123. See Kloner and Zissu 2007, 231–4; Levine 2002, 211; Magness 2012, 236–8; Avigad, "Jerusalem, Description of the Tombs," *NEAEHL* II: 750–3 at 751. In the "Lower City" of Jerusalem, where Josephus says Helena's palace was (*B.J.* 5:252), a large complex was recently discovered which its excavators have suggested may have belonged to the convert-queen (Ben-Ami and Tchekhanovets 2011; Ben-Ami 2013, 22–31). This conjecture is doubtful, however, because the architecture and material culture of the complex are strikingly austere, which hardly fits with what we would expect of the palace of a royal family from the diaspora. The ceramic assemblage lacked imported vessels and only one modestly decorated molded lamp was found (Tchekhanovets 2013). Some "scanty remains" of painted plaster found in debris from the building collapse raise the question of what type of decoration adorned the upper story living spaces but do not provide enough information to merit reasonable speculation. Helena's lavish tastes are, on the other hand, evident in her burial.

²¹³ Foerster 2013; Netzer et al. 2013; Porat et al. 2015. There are good reasons to question Netzer's argument that the known tomb at Herodium was the final resting place of Herod himself (Patrich and Arubas 2013; 2015). In any case, the tomb was clearly designed as a local adaptation of Italian architectural trends and is consistent with the wider Herodian architectural program (Peleg-Barkat and Chachy 2015). As for Helena's tomb (also known as the Tomb of the Kings), Notley and García (2014) have raised important objections to the usual attribution of an inscribed sarcophagus with Helena herself. This association is usually made because of the title "queen" in the Aramaic inscription (in two scripts and perhaps dialects): *צדא מלכתא* | *צדא מלכתא* (*Ṣadan the queen* | *Ṣada the queen*) (*CIIP* I.1 123). The designs of this sarcophagus and chamber (C) are relatively insignificant in comparison to that of Chamber G and the ornate sarcophagus lid now at the Louvre, which likely belonged to Helena. Queen Ṣadan was likely another member of Helena's royal family.

²¹⁴ Josephus, *B.J.* 5:201; *m. Mid.* 1:4, 2:3, 6; *m. Yoma* 3:10; *t. Yoma* 2:3–4; *b. Yoma* 38a; *CIIP* I.1 98; Dickson 1903; Kloner and Zissu 2007, 179–81; E. Meyers 1971, 49–52; Greenfield and Fine 2008.

²¹⁵ E.g., *CIIP* I.1 20, 170, 232, 238, 427, 440, 579.

(household-manager). Not coincidentally, the rabbis remember Ariston of Apamea, whose tomb was unearthed among other diasporic family tombs in Akeldama, as becoming a landowner upon his arrival in Jerusalem.²¹⁶ Landowners with estates outside Jerusalem, whether diaspora transplants or not, similarly sought burials in *loculi* tombs around Jerusalem, often with ossuaries. Some, on the other hand, were buried on their estates, as was the case with the absentee landlords of the farm at Qalandiya.²¹⁷

Although most *loculi* burials probably belonged to priestly and land-owning elites, some municipal elite, subelite, and middling Judaeans also sought out such burials, especially in rural contexts. For example, at least three known ossuaries (two urban and one rural) belonged to scribes.²¹⁸ Additionally, some successful artisans acquired ossuaries, such as “Simon, builder of the temple,” “Yehonatan the potter,” “Yehōni the artisan,” and “Iosepos, the perfume-seller.”²¹⁹

Although there is very little evidence for burial in *loculi* tombs with ossuaries in the pre-70 CE Galilee, even the relatively modest tombs at Khirbet Qana might reasonably be considered local elite or middling burials. In this rural necropolis, tombs were rock-cut with burial chambers and *loculi*, but no ossuaries were found in them.²²⁰ Instead, these villagers probably practiced primary burial, but it is also possible that they redeposited bones in enlarged *loculi* or special tombs for secondary burial.²²¹

Few decorative elements have survived in the Khirbet Qana tombs, and their façades were not monumental. Shaft entrances may have functioned like courtyards, but these were small and simple in design.²²² To be sure, these tombs were modest compared to most of the elite tombs in the south,

²¹⁶ M. Hal. 4:11. See *CIIP* I.1 288–311; Avni and Greenhut 1994; 1996, 15–31; Kloner and Zissu 2007, 278–80.

²¹⁷ Magen 2004, 74.

²¹⁸ C. Evans (2003, 56) notes these: “Yehuda the scribe” (*CIJ* II 1308 = *CIIP* I.1 244), “Yehuda son of Eleazar, the scribe” (N.B. this is on the same ossuary and likely refers to the same person as the previous inscription, although Evans lists them as separate), and “Yehosef son of Hananya, the scribe” (Rahmani 1994, 263; no. 893, pls. 134–5 = *CIIP* I.1 86). Both of these ossuaries are from Jerusalem. An additional ossuary of “Yo’ezer son of Yehoḥanan, the scribe” is from Gophna (approximately 20 km north of Jerusalem) and also includes two separate inscriptions naming him and supplying his profession as scribe. This ossuary was published by Wolff (1997) and is also noted by Hachlili (2005, 216).

²¹⁹ *CIIP* I.1 51 (Yehonatan; the Aramaic term קדרה could be “potter” or “pot,” as in “fat”), 54 (Simon), 173 (Yehōni), 556 (Iosepos). Note that Yehonatan and Simon were buried in the same tomb at Giv’at Hamivtar in which a crucified heel bone was also found (*CIIP* I.1 50; Kloner and Zissu 2007, 436).

²²⁰ Richardson 2007. Cf. Edwards 2002.

²²¹ Richardson 2007, 261.

²²² Richardson 2007, 258

but Peter Richardson's claim that "Cana tombs relate to Jerusalem's generally pre-70 C.E. tombs as rural peasant tombs relate to urban, wealthy tombs" falsely assumes that these tombs are representative of the population of this village.²²³ While much is yet to be revealed about Galilean burial practices in the Early Roman period, it is unlikely that all northerners buried their dead in rock-cut tombs. The Khirbet Qana tombs were probably commissioned and used by the small demographic of the village who lived well enough above subsistence to afford the preparation of such tombs. Thus, even within burials that should be considered "elite," there were significant variations.

The Material Culture of Burial

Aside from distinctions between non-elites and elites in the forms of burials, it is also worth noting differences in funerary material cultures. Non-elite burials rarely contain grave goods, and when they do these are usually local pottery. They rarely have art, inscriptions, or decoration. Most, presumably, were marked with stones and headstones but not with inscriptions indicating the identity of those interred. Bodies were wrapped in shrouds or reed mats but were only seldom placed in coffins or ossuaries. At the other end of the spectrum, elite burials regularly included grave goods, ranging from local pottery and Herodian oil lamps to mold-made lamps, glass *unguentaria*, jewelry, cosmetic vessels, spindle whorls, strigils, weapons, and clothing.²²⁴ While the very presence of any grave goods in elite burials contrasts starkly with non-elite graves, it is noteworthy that even elite funerary goods were "frugal and sparing, displaying restraint," as Hachlili puts it.²²⁵

Many elites expressed their class dispositions materially through art on ossuaries and tombs, although this too was not a uniform practice. The art that usually appears draws a distinct connection between the tombs of elites and their domestic settings. The most frequent design on ossuaries is the circumscribed whorl rosette (with a varying number of petals),²²⁶ which is even engraved on the ceiling of the domed antechamber of the "tomb of Annas." This motif also appears in mosaics at the Jewish Quarter mansions and the Herodian palaces as well as the Magdala mansion known as the

²²³ Richardson 2007, 262.

²²⁴ See Hachlili 2005, 375–446. As Hachlili notes, these grave goods sometimes represent those tending to the dead. See further Kloner and Zissu 2007, 123–39.

²²⁵ Hachlili 2005, 375.

²²⁶ Figueras 1983, 36–41; Rahmani 1994, 39–41.

“House of Dice,”²²⁷ but it was not limited to elite domestic and funerary contexts; it was also featured, for instance, at the Magdala synagogue (in the form of mosaics and stone reliefs) and engraved on the lintels of the synagogue and “basilical” building at Gamla.²²⁸

Another common motif on ossuaries is the ashlar scheme, which invokes the architecture of the Temple Mount.²²⁹ David Jacobson may be right that Herod’s use of drafted-margin masonry, and I would add, Masonry Style art, intentionally invoked the Solomonic Temple.²³⁰ The eastern wall of the Temple Mount preserves a section of pre-Herodian ashlar masonry with drafted margins, though less refined than Herod’s ashlar masonry. If Judaeans associated this section of wall with the earlier, Solomonic Temple Mount, as the naming of the portico above it “Solomon’s Portico” implies, Herod’s revitalization of this architectural style may have functioned as a strategy for symbolically linking the Second Temple with the First Temple. Herod and the Judaeans elites, in any case, seem to have celebrated this reserved, yet elegant, style in various media in their homes and tombs.

Art imitating ashlar construction prominently appears in the form of white, drafted-margin stucco wall panels at the Herodian palaces at Masada and Herodium, the “Palatial Mansion” in the Jewish Quarter, the Ariston family tomb, “Hilkiya’s Palace” at Khirbet el-Muraq, the “basilical building” at Gamla, and elsewhere.²³¹ Because this “Masonry Style” became popular among Judaeans elites more than a century after its heyday as Pompeian Style I in Italy, and even after some Judaeans elites adopted Pompeian Styles II and III, it may convey a burgeoning traditionalism and nostalgia among some Judaeans elites.²³² Since it is a style that was still occasionally practiced at Rome and elsewhere in the empire, however, it does not reflect an anti-Roman ideology as Eyal Baruch has argued.²³³ All the same, it is evidence of changing tastes among Judaeans elites and a marker of the elite class *habitus*. This ashlar schema appeared as wall decoration

²²⁷ Avigad 1983, 153–5; figs. 159–64; 1989, 29, 49, 54, 56, 69–9; Rozenberg 2013, 204–15; De Luca and Lena 2015, 306.

²²⁸ Peleg-Barkat 2016; Fine 2017, 36.

²²⁹ Rahmani 1994, 35.

²³⁰ Jacobson 2000. On the connection of this section of the Temple Mount to Solomon, see John 10:23; Acts 3:11; 5:12–13; and, especially, Josephus, A.J. 20:220–1.

²³¹ Japp 2007, 238–42; Rozenberg 2010. On the Gamla stucco (not referenced in Rozenberg’s study), see Farhi 2010, 182–4.

²³² According to Hillel Geva (personal communication, September 2015), the change to Masonry Style in the reception hall of the Palatial Mansion in the Jewish Quarter is probably very late and part of a larger renovation project taking place in the mansion at the time of its abandonment around 70 CE.

²³³ Baruch 2008.

in some elite mansions and tombs, as decoration on a number of ossuaries, and, in at least one instance, as decoration on a stone table.²³⁴

Far less common, but still suggestive, is the depiction of menorahs on some ossuaries. Prior to the destruction of the Temple in 70 CE, the menorah was not a widespread symbol in Judaeen art. Its first known witnesses are coins of the Hasmonean dynast Matthias Antigonus, who took control of Judaea for three years before Herod claimed his throne, and several menorah graffiti on the porch of Jason's tomb.²³⁵ After these, an inscription in wall plaster discovered *ex situ* in one of the Jewish Quarter mansions displayed the menorah as part of a schematic plan of cultic objects from the Temple and a sundial found just south of the Temple Mount was also decorated with a menorah.²³⁶ One of the only other known sundials of this type is from the Jewish Quarter mansions, but it is decorated with bas-relief rosettes and no menorah.²³⁷

Two ossuaries also have menorahs on them. They have been assigned to 70–135 CE but merely because it is assumed that Judaeans did not depict the menorah before the Temple was destroyed.²³⁸ Since they are

²³⁴ A fragment of a stone table with the drafted-margin ashlar scheme was discovered in the Temple Mount excavations (Magen 2002, 108, fig. 3.7.1).

²³⁵ Rahmani 1994, 51–2; 2000b. On the emergence of the menorah as a Judaeen symbol, see further Fine 2010, 148–65; 2016.

²³⁶ On the graffiti: Narkiss 1974; Barag 2000; Habas 2003. On the inscribed sundial, see Rahmani 2000b, 241; Magen 2002, 114–15, fig. 3.82.

²³⁷ Avigad 1983, 119; 1989, 43. Another undecorated sundial of this type was found at the elite Ḥorvat 'Eleq site at Ramat Hanadiv, but should be dated to the Hellenistic period in keeping with the updated chronology of the site (Peleg-Barkat and Tepper 2014, 71–2, and fig. 21). The same type of sundial was found at “Hilkiya's Palace” at Khirbet el-Muraq, which may be contemporary with these other examples (Damati 1982). On a very different type of object that has been identified as a sundial at Qumran, but whose interpretation as such remains unclear, see Ben-Dov 2011. Unsurprisingly, sundials have generally been found in elite contexts.

²³⁸ Rahmani 2000b; 1994, 250–1: no. 829, pl. 124, fig. 128; 247: no. 815, pl. 120, figs. 41, 127. Josephus never mentions the death of the elder Annas (high priest 6–15 CE), but it was probably sometime in the second quarter of the first century CE. His son, Annas son of Annas, died at the beginning of the First Revolt (Josephus, *B.J.* 4:318–25). Note that the name Annas also occurs as Ananias and Ananus. See VanderKam 2004, 420–4, 476–82. This association must remain a hypothesis, however, since Annas/Ananus/Ananias was a common name, especially among priests (e.g., Ananias son of Nedebeaus, high priest from 48–59 CE). Another possible first-century CE menorah appears in bas-relief along with rosettes and other cultic objects on the stone table base from the Magdala synagogue. Aviam (2013a, 37) reports that it is from the first century CE, but until final reports on the stratigraphy of the synagogue are published, this dating cannot be verified. Regardless of its date, Notley's (2014) argument that the iconography on this stone affirms the presence of priestly elites at Magdala, which some later rabbinic writings also seem to allude to, is intriguing.

unprovenanced, these ossuaries could in fact be earlier. One of them bears the names “Ananias a(nd) Ananas” in Greek, likely referring to the high priests Annas and his son.²³⁹ In any case, all of these early depictions of the menorah come from elites, and most of them priestly elites in particular.²⁴⁰

Other symbols on ossuaries boast the material culture of elites otherwise known from the Jewish Quarter mansions. Lilies recall the floral motifs intricately painted on plaster walls and Jerusalemite bowls, while decorated amphoras symbolize the elite dining culture with its imported amphoras and foreign wines, and tomb façades and columns allude to the monumentality of elite tombs and civic buildings.²⁴¹ More than *ad hoc* and unsystematic decorations, artistic motifs on ossuaries boast a robust symbolic program that conveys, commemorates, and promotes the ideological power of elites.

The material culture of burials, then, was conditioned by the class subjectivities of those buried therein and their families as well as the intersection of these subjectivities with gender, ethnoreligious, and other social dispositions. Elite burials more overtly displayed these class dispositions through artistic schemas on ossuaries and the interiors and exteriors of tombs. Both non-elite and elite burials also involved distinctive material cultures that were employed in the burial process itself. For instance, the material and quality of burial shrouds as well as the types of oil used for anointing the dead likely differed between elites and non-elites. These practices, however, have not left as clear of traces in the archaeological record as the art on elite ossuaries and tombs.

Burial and Class Distinction in Texts

The fundamental class distinction between elite and non-elite burials evident in the form, customs, and decoration of graves and tombs also receives attention in the literature from this period. Magness identifies some pertinent passages in the New Testament and rabbinic writings.²⁴² Of the sources she cites, the one that can most reliably be placed in the Early Roman period is a polemical saying of Jesus in the Gospels of Matthew and Luke that comes from the mid-first-century CE Q source. Here, Jesus compares the Pharisees to “unmarked graves” (reconstructed as *tois mnēmeiois*

²³⁹ See further CIIP I.1 518.

²⁴⁰ Rahmani 1994, 51; 2000b, 243.

²⁴¹ Rahmani 1994, 28–51.

²⁴² Magness 2011a, 123–32. See also Kloner and Zissu 2007, 97–102; Patrich 1994.

tois adēlois), which people walk over without knowing (implying that these people contract impurity).²⁴³

Magness's other sources are mostly rabbinic.²⁴⁴ She identifies several instances in which Mishnah 'Ohalot and Tosefta 'Ahilot describe burials in trench graves and acknowledge the distinction between trench graves and rock-cut tombs.²⁴⁵ These texts are particularly vivid, with rabbis debating the conditions under which a grave that is accidentally ploughed up – “a skull of a corpse was cleaving to the plough” – renders an entire field a “grave area,” and hence unclean (m. 'Ohal. 17:1; t. 'Ahil. 15:3). These tractates also differentiate these field graves from “a field of tomb niches,” which “is not planted, and is not sown” (18:2–4), referring to rock-cut tombs in fields.²⁴⁶ Magness also points out a reference to trench burials with coffins (m. Šabb. 23:4).

In addition to these texts, it is worth noting that several mishnaic passages refer to the importance of marking graves so that farmers would be able to avoid turning whole fields into impure grave areas. Mishnah Ma'aser Šeni 5:1, for instance, explains that graves should be marked with “white plaster mixed with water and poured over the grave.”²⁴⁷ There can be little doubt that these third-century CE sources preserve understandings of different types of burials that were also prevalent in the Early Roman period.

I propose that three other texts from the Early Roman period also betray this distinction. First, a Greek imperial edict known as the “Nazareth inscription” also distinguishes two types of graves:

Ordinance of Caesar: It is my pleasure that tombs (*taphous*) and graves (*tynbous*) – whoever has made them as a pious service for ancestors or children or members of their house – that these remain unmolested in perpetuity. But if any person lay information that another either has destroyed them, or has in any other way cast out the bodies which have been buried there, or with malicious deception has transferred them to other places, to the dishonor of those buried there, or has removed the

²⁴³ See further Keddie 2018a, 251–3.

²⁴⁴ Magness also deals with references to burials and corpse impurity in some of the Dead Sea Scrolls, but none of these texts specifically distinguishes types of graves.

²⁴⁵ As Weiss (1994, 231) notes, rabbis use קבר to refer to both rock-cut tombs and individual graves (also cited by Magness 2011a, 123–4 n. 29).

²⁴⁶ As Magness (2011a, 124) notes, where the Mishnah has “field of mourners” (שדה בוכים) here, the Tosefta has “field of tomb niches” (שדה כוכים).

²⁴⁷ My translation. Note that I have rendered סיד as “white plaster” in order to emphasize its color, which is the point of using it for marking graves. The term can mean plaster, lime, or chalk, but often gets used to indicate a soft white color (Jastrow 2005, 976). Cf. m. Šeqal. 1:1.

headstones (*katochous*)²⁴⁸ or other stones (*lithous*), in such a case I command that a trial be instituted, protecting the pious services of mortals, just as if they were concerned with the gods. For beyond all else it shall be obligatory to honor those who have been buried. Let no one remove them for any reason. If anyone does so, however, it is my will that he shall suffer capital punishment on the charge of tomb-robbery.²⁴⁹

This fascinating marble edict was “sent from Nazareth” according to its 1878 inventory note.²⁵⁰ As an imperial edict, it was probably translated into Greek from a Latin original, as several Latinisms confirm.²⁵¹ Accepting the environs of Nazareth as its provenance, an edict of this sort is more likely to have originated in one of the larger, mixed population cities near Nazareth, such as Sepphoris or Tiberias.²⁵² On orthographic grounds, it probably dates between the late first century BCE and mid first century CE.²⁵³ Therefore, if it is from the Galilee, the Caesar in question should be Claudius (r. 41–54 CE), or perhaps Nero (r. 54–68 CE).²⁵⁴ Both of them reigned after most of the original Herodian kingdom was converted into a Roman province following the death of Herod Agrippa I in 44 CE.

If this context is correct, this is a mid-first-century CE Galilean witness to a distinction between tombs (*taphoi*) and graves (*tyngoí*). Here, *tyngos* (or *tymbos*) corresponds to the Latin term *tumulus*.²⁵⁵ The edict is not

²⁴⁸ For *κάταχος* as tombstone, see *LSJM* 930; Metzger 1975, 205.

²⁴⁹ For the *editio princeps*, see Cumont 1930, which includes a Latin retroversion. The English translation here is adapted from Metzger 1975. See also, *SEG* VIII 13; de Zulueta 1932; van der Horst 1991, 159–60; Boffo 1994, 319–33; Giovanni and Hirot 1999; C. Evans 2003, 35–7.

²⁵⁰ Cumont 1930, 241; Metzger 1975, 221–2. Its dimensions are 60cm high by 37.5cm wide.

²⁵¹ Cumont 1930, 243; de Zulueta 1932, 188–9; Metzger 1975, 226–30; van der Horst 1991, 160.

²⁵² On inscriptions from first-century CE Galilee (of which there were very few), see Chancey 2007.

²⁵³ Cumont 1930, 265.

²⁵⁴ E. Meyers and Strange 1981, 84. If it is from one of the Decapolis cities then it could date as early as the end of Herod's reign in 4 BCE, when all of the Decapolis became part of the Roman province of Syria. See Metzger 1975, 233. If it is not from Palestine at all, as Giovanni and Hirot (1999, 129–30) suggest, then a dating as early as Augustus is possible.

²⁵⁵ Metzger (1975, 223), among others, here translates *τάφους* as graves and *τύμβους* as tombs, but I have switched these, translating *τάφους* as tombs and *τύμβους* as graves. While the English cognates “epitaph” and “tomb” might seem to support Metzger's rendering, in actuality, these words had a considerable semantic overlap in antiquity. Both mean “tomb, grave” (*LSJM*, 1761, 1834). The term *τύμβος*, however, often carries the more specific meaning of “sepulchral mound, cairn, barrow.” Cumont thus posited that the original Latin was *sepulchra tumulosque*, which is reasonable but not certain (*sepultura* and *monumentum* could also have been used for *τάφος*, for instance). The term *tumulus*, however, corresponds nicely to *τύμβος*, usually denoting “a sepulchral mound, barrow, tumulus” (Lewis and Short 1879, 1913). Cumont (1930, 248) seemed to imagine that

repetitive. Instead, it promulgates protection against robbery for two different types of burials, one typical of elites and one of non-elites.²⁵⁶ Although non-elite graves were probably less likely to be robbed, the edict specifies that no one may tamper with their headstones and the other stones piled on top of these graves to mark them, as at Qumran and Ein el-Ghuweir. While its precise historical context must remain an open question, this text easily fits a first-century CE Galilean urban context.

I have argued elsewhere that a second text that evinces class distinctions in burials is *The Lives of the Prophets* (Liv. Pro.), or *Vitae Prophetarum*.²⁵⁷ This extracanonical Judean literary text, which provides a lengthy narrative of the lives and deaths of the heroes of Israel's history, was likely composed in Greek in the late Second Temple period.²⁵⁸ Whereas scholars once treated this text as support for Jesus's indictment of the Pharisees for building the tombs of the prophets their ancestors killed, a close analysis shows that not all of the prophets were interred in monumental tombs like those described in Matthew 23:27–8.²⁵⁹ There are two collective tombs in the text – the Tomb of the Kings and the Tomb of the Priests (1:6; 14:2) – that are envisioned as monumental on the basis of their elite inhabitants and the manner in which they were buried (“gloriously”).²⁶⁰ Other elite burials in the text are described as tombs (using the term *taphos*) or caves and/or

these were not two separate types of burials but rather two parts of the same burial – the *tumulus* and the monument or epitaph on top of it. His distinction is correct, but these two parts do not necessarily refer to the same burial. Instead, τύμβους here seems to refer to the type of burial that comprises a heap of stones, as specified later in the edict.

²⁵⁶ Apart from his critical edition, Cumont (1933) argued that the ordinance specifically targeted the new Judean practice of *ossilegium*, but this is indefensible. As Metzger (1975, 230 n. 17) observes, the ossuary evidence would then show that quite a lot of Judeans were breaking this law! Moreover, the way that the edict specifies that transferring bodies is prohibited if done with “malicious deceit” and to the “dishonor” of the dead is so carefully wrought that it actually seems to reflect its framers’ deliberate avoidance of subsuming *ossilegium* under its prohibition.

²⁵⁷ Keddie forthcoming b.

²⁵⁸ The text survives in Greek, Latin, Syriac, Ethiopic, Arabic, and Armenian manuscripts. Schwemer (1995) has combined the most notable Greek recensions as a synopsis, including Vat. gr. 2125 (Codex Marchalianus), which is often deemed the most reliable witness and is thus the source of my translations of the text. For Greek as the original language of the text, see Hare 1985, 379–80; Schwemer 1994 (on the text’s dependence on the LXX). On textual history, see further Schwemer 1995, I: 12–24; Torrey 1946. The text – especially in certain recensions – contains some Christian interpolations that indicate its significance to Christians in late antiquity. Even still, Schwemer and others have made compelling arguments against the theory that this was a text written by Christians in late antiquity (so de Jonge 1961–2; Satran 1995).

²⁵⁹ Jeremias 1958, 65–8; cf. C. Evans 2003, 22. On class distinctions in burials in Matthew, see Keddie forthcoming e.

²⁶⁰ Schwemer 1995, II: 147–8.

their burials are distinguished as “glorious”: Isaiah (buried in a *taphos* near the Tomb of the Kings and Tomb of the Priests); Jeremiah (buried with the house of Pharaoh); Daniel (buried in the “royal cave” in Babylon); Jonah (buried in the cave of the judge Kenaz); and Haggai (buried nearby, and in the same manner as, those in the Tomb of the Priests). Ezekiel’s tomb, as described by the text, resembles the rock-cut *loculi* tombs of elites in the Jerusalem necropolis: “And they buried him in the field of Maour in the tomb of Shem and Arpachshad, ancestors of Abraham, and the tomb is a double cave, for Abraham also made Sarah’s tomb in Hebron like it. It is called ‘double’ because it has a twisting passage, and hidden from the ground level is an upper room, hung over the earth in rock” (3:3–5). The burials of Obadiah (9:4), Zechariah (15:6), and Zechariah ben Jehoiada (23:1) may also have been imagined as elite burials. Interestingly, all of these burials are distinguished on the basis of the status of the prophets or their patrons (e.g., priest, royal steward) or their powerful actions (e.g., Haggai’s rebuilding of the Temple, Isaiah’s miracle at Siloam). The tombs of the elite prophets who were buried in Jerusalem are, notably, situated to the southeast and south of the City of David – thus, in the environs of the monumental tombs standing in the Kidron Valley and Akeldama when the text was written.²⁶¹

The remaining burials described by the Lives of the Prophets are not distinguished as elite tombs. Habakkuk, Zephaniah, Malachi, and Azariah were each buried “in his field (*agros*)” (12:9; 13:3; 16:4; 20:2). That Habakkuk is explicitly depicted as a landowner (12:4–9) suggests that the burials of all four of these prophets may have been understood as burials on their own estates, suggesting that these prophets had at least moderate surplus resources.²⁶² Ultimately, it is unclear whether these rural burials were envisioned as rock-cut tombs or trench graves; however, language indicating that they were buried “alone” (except possibly Malachi) may suggest the latter. The resting places of the other nine prophets whose burials are mentioned (Hosea, Micah, Amos, Joel, Nahum, Nathan, Ahijah, Joad, Elisha) and Jonah’s mother were likely understood as trench graves. Some of them are marked by trees rather than monuments (1:1; 10:6; 18:5) and Jonah himself actually buried his mother while traveling (10:6).²⁶³ When read in the

²⁶¹ Various geographical references in the text suggest a focus on the Kidron Valley to the east of the City of David and south of Siloam towards Ein Rogel. See Jeremias 1958, 58–64; Hare 1985, 385 n. c; Schwemer 1995, I: 115–16, 146–52.

²⁶² The portrait of Habakkuk as a sometimes-absent landowner is based on Bel and the Dragon (Schwemer 1994, 83–4; 1995, II: 108–12).

²⁶³ Cf. Tob 2:7; 8:9–18. Tobit is another important text that seems to describe the digging of trench graves. It is not discussed here only because it predates the Early Roman period

context of Judaeen burial customs in the Early Roman period, then, it appears that the text recognizes burial distinctions that correspond to class and status.

A final text that deserves mention is the *Copper Scroll* (3Q15), a Hebrew text which is usually dated to the second half of the first century CE.²⁶⁴ Purporting to describe the places at which treasures presumably related to the Temple have been hidden, the text repeatedly uses burials in the Jerusalem necropolis as landmarks. Unlike the *Lives of the Prophets*, this text is more concerned with the locations of the burials than the people interred, making it difficult to identify class distinctions in the burials mentioned. Nevertheless, the text recognizes two different types of burials that seem to correspond to class. One type mentioned by the surviving text is a “burial-mound” (*yegar*), which is listed as a landmark three times (IV, 13; VI, 14; VIII, 8). In rabbinic literature, this term refers to a “hill” or “heap of stones” and thus corresponds to the *tymbos* (*tumulus*) of the Nazareth inscription and should be understood as a non-elite trench grave marked by a heap of stones.²⁶⁵ In every instance, the person interred in this grave is not named and the text instructs its addressee to dig directly into the burial-mound.²⁶⁶

Another type the text mentions is the elite rock-cut tomb. The text identifies a sepulchral monument as a landmark twice (*nephesh* in I, 5 and *yad 'Avshalom* in X, 12) and refers to tombs using the term *qever* at least twice (XI, 3, 9).²⁶⁷ Although *qever* could denote “grave” or “tomb,” and the text seems to use it in both ways, in these two instances it is clear that it is used for sizeable tombs associated with named individuals. “Zadok’s tomb” (XI, 3) is specifically said to have a courtyard and an *exedra* with at least one column,²⁶⁸ while the “tomb of the sons of ‘Abeṭ of Jericho” (XI, 9) should

and does not explicitly correlate burials to class distinctions or describe elite tombs. It should be noted, however, as relevant literary evidence of trench graves.

²⁶⁴ On dating, see Milik 1962, I: 275–84; Lefkovits 2000, 455–70.

²⁶⁵ Jastrow 2005, 563. Milik (1962, I: 237) defines יגר as “*tumulus*.” Similarly, as Milik notes, צריה in VIII, 14 probably refers to a simple stone marker or headstone (cf. *P.Mur.* 18, 2).

²⁶⁶ Importantly, the יגר in VI, 14 is not that of the high priest himself but is rather located in what is called the “ford of the high priest.”

²⁶⁷ Milik (1962, I: 237; cf. 245) defines קבר first as “(simple) tombe, mausolée,” where he notes that קבר is also used in the inscription on the Bene Hezir tomb, though קבר can also describe a trench grave and might better be translated as such in cases in the text in which architectural or burial details do not clearly betray a *loculi* tomb (e.g., V, 12; XI, 8; XII, 11). On קבר, see Patrich 1994. For research on sites and monuments in the Jerusalem necropolis that are referenced in this text, see Milik 1962, I: 269–74; Pixner 1983.

²⁶⁸ Puech (2002, 63–4) demonstrates that גנת (“courtyard”) here must be part of the tomb of Zadok and not a separate structure by analogy to a Nabataean inscription from ca. 50 CE (CIS II 350; TSSI IV 6) in which it designates the banquet courtyard of a tomb, which would also likely have served as a *triclinium* during festivities of commemoration.

be understood as a family (*loculi*) tomb. The attribution of these tombs to specific persons is significant vis-à-vis the burial-mounds, and there is good reason to think the individuals named are priests. Zadok is a common priestly name and might even refer to a priest the rabbis recorded as living at the time of the Temple destruction.²⁶⁹ Moreover, whereas only talents were hidden in the burial-mounds, priestly tithe-vessels (*kele dem'a*) were deposited in the tombs of Zadok and the sons of 'Abet.²⁷⁰ The *Copper Scroll*, therefore, may convey the same distinction in burials as other texts from the Early Roman period.

Critical analysis of literary sources aligns with archaeological interpretation, then, to expose diverse burial habits that corresponded to distinctive class schemas. Even more than with other kinds of material culture, economic factors conditioned the ways that Judaeans disposed of their dead. That does not mean that class distinctions in burial practices were determined only by economic factors. Beyond the fundamental distinction between non-elite primary burials in trench graves and elite rock-cut *loculi* tombs was an entire spectrum of socially and culturally inflected practices which income distribution alone cannot explain. Important examples include the decision of some non-elites to practice secondary burial in trench graves, even with ossuaries on occasion, the desire of some elites to acquire unadorned ossuaries, and the preference of the economically stable or well-to-do Qumranites for simple trench burials. In these cases, individuals' particular class subjectivities influenced their burial practices.

Furthermore, the emergence of *ossilegium* and development of new artistic styles in elite burials demonstrate the formation of a distinctive elite material culture. Although this material culture of the priestly and landowning elites developed in dialogue with the changing tastes of the Herodian elites and Rome, this was not a trickle-down process as Berlin has described it.²⁷¹ Rather, elites generated their own class subjectivity that

Moreover, Lefkovits (2000, 365–6) considers *האסתר* in XI, 2 a rare term for ossuary also attested (as *אסתר*) in the late minor tractate *Semaḥot* (13:6). While not a certain reading, “ossuary” makes more sense in this context than the usual translations of “stoa” or “portico.” A problem Lefkovits does not resolve, however, is why the text would seemingly situate the pillar of the exedra below an ossuary. Unfortunately, the precise architectural description here remains elusive.

²⁶⁹ On Rabbi Zadok the Temple priest, see, e.g., m. 'Ed. 7:1–5. See further, Lefkovits 2000, 366–7.

²⁷⁰ See Pfann 2002; Lefkovits 2000, 505–45.

²⁷¹ Berlin 2014a. As R. Taylor (2014) has argued with regard to the relationship between Herodian and Augustan architecture, for instance, the influence goes both ways. This was also the case with the cultural dynamic between the Herodian elites and priestly/landowning elites and between the Judean priestly/landowning elites and other elites in the Levant.

distinguished them from local non-elites. The high priestly families and landowners were as much a part of this dynamic process as the Herods. Yet, unlike with tableware and lamps, it is difficult to gauge the non-elite response to the visibly changing landscape of elite burial customs.

Conclusion

In the Early Roman period, Judaeen society did not suddenly become asymmetrical, creating new class divisions *ex nihilo*. But due to the gradual repositioning of new, non-royal, Judaeen elites within longstanding institutional structures, class dispositions did change significantly. This chapter located aspects of the production and reproduction of class dispositions in the interactive social and cultural practices of non-elites and elites. It proposed that opposing class subjectivities developed in the Early Roman period that corresponded to the representation of non-elites and elites as separate classes through the use of material culture. Elites participated in some of the same material culture as non-elites, but they also produced their own Judaeen material culture – a distinctive culture that communicated their collective ideological power. In several instances (but not universally), it appears that non-elites defined their material culture in conscious and/or unconscious opposition to the emergent class culture of elites.

This argument is not without complications. The changing material cultures of elites and non-elites were neither homogeneous nor static. Although there is not always much evidence, we should expect differences in how social actors experienced and expressed their class subjectivities in different regions, in rural versus urban settings, and according to different legal statuses, genders, ethnicities, religious loyalties, and economic levels.

Different economic levels would have caused more-or-less subtle variations within the broad patterns of material culture usage by non-elites and elites. We must keep in mind, for instance, that the destitute who were homeless or lived in caves would not have been able to afford many, if any, material items.²⁷² Although they certainly did not participate in the

²⁷² On caves, see Shvitzel and Frumkin 2014. Cf. 1 Macc 9:2; Josephus, *B.J.* 1:305–13; *A.J.* 14:415–30. The authors view the main function of the caves that show signs of habitation in the Early Roman period as security in times of war or crisis, but there is no reason that these could not have been used by the destitute as regular or semi-regular dwellings. In several publications, Hirschfeld (2000; 2006; 2007a, 132–56) has singled out a cluster of 3–6 sq. m. “living cells” at ‘Ein-Gedi as examples of homes of the destitute. Based on the archaeological evidence, however, it is much more likely that these were rooms used for storage (Amit and Magness 2000).

material culture of elites, they also would not have been able to afford certain things those near and just above subsistence could, like tableware, oil lamps, and local jewelry. Those comfortably above subsistence – the so-called “middlers” who enjoyed moderate surplus resources – probably also had a slightly different material culture than subsistence level non-elites, since they could afford larger homes and more possessions, but they seem generally not to have aspired to the material culture of elites. They did not generate a distinctive “middle-class” culture.

Municipal elites clearly attempted to participate in the material culture of elites, as the village mansions at Jotapata, Gamla, and Magdala show. Their less immense wealth translated into some differences in material culture – somewhat smaller houses, lower quality items and décor (e.g., the faux *opus sectile* floors at Jotapata), and fewer luxury items than Jerusalem’s elites.²⁷³ Judging from the available evidence, these differences did not amount to a distinctive material culture for this economic stratum. Despite their economic and regional limitations vis-à-vis Jerusalem’s elites, these village elites still attempted to participate fully in the elite material culture.

Even while there were economically conditioned gradations, then, elites and non-elites interacted through material practices in a way that ultimately galvanized and polarized two different class subjectivities. At the same time that Judaeen elites harnessed economic and political power through their enfranchisement within economic institutions, they also exercised ideological power through their development and display of a distinctive class culture. As the class dispositions of Judaeen elites became increasingly influenced by Graeco-Roman cultural institutions, the demand for imported prestige items among local elites stimulated supraregional trade and market integration.

Non-elites similarly generated a new class culture forged largely in opposition to the material culture of Judaeen elites but still influenced by Graeco-Roman cultural institutions, if less directly. A new mode of economic exploitation did not define non-elites as a class in the Early Roman period. Instead, non-elites gradually developed their own class subjectivity in reaction to the incremental institutional shifts through which elites gained power in the early phases of provincial incorporation.

²⁷³ On the elites at Gamla and Jotapata, see Aviam 2011; 2013a.

Conclusion

This book has argued that Judaeen elites gradually increased their political, economic, and ideological power as agents of institutional change in Early Roman Palestine. These Judaeen elites were boundedly rational – they were self-interested social actors, but often their actions were economically inefficient by modern capitalist standards because they were influenced by dispositions that we would designate as cultural or religious. The surging power of Judaeen elites, notably, did not generally correspond to the increased impoverishment of non-elites relative to earlier periods and other provinces. This is because of the positive economic effects of urban development, trade, and technological innovation as Palestine became integrated into the social and commercial networks of the eastern Mediterranean. In lieu of rehashing the conclusions of this study, which are summarized at the end of each chapter, this conclusion fits them all together in response to this book's driving question of how institutional change impacted relations between Judaeen elites and non-elites in Early Roman Palestine.

The majority of institutions in Early Roman Palestine – whether administrative, fiscal, or cultural – were built on the foundations of earlier institutions. Change was thus “path-dependent,” a matter of negotiation and adaptation rather than invention and imposition. Elites functioned as the principal agents of institutional change as both a cause and effect of their political, economic, and ideological power.

Institutional Change and Political Power

Political power, the control over social relations through regulations and coercion, was disproportionately distributed between elites and non-elites. The political power of non-elites was typically restricted to their influence

as part of a civic or village assembly, but we are woefully underinformed about the regularity and impact of this power in Early Roman Palestine. Not all elites had direct political power, but many did, especially in the form of positions in municipal administration. Urban development was a gradual and incremental process that coincided with the transformation of administrative institutions that empowered elites. Through various combinations of the initiatives of client-kings and other local elites, urban and semiurban settlements were transformed into venues of elite power and status acclamation.

Municipal organizations such as civic *boulai* or *synedria* were a primary source of elites' political power. High status and wealth were prerequisites for participation in these organizations, which ensured that members were bound together by common interests. These organizations shaped local law, whether through influence or direct interference, and they were thus able to harness military power to enforce and implement the institutions they shaped. In Early Roman Palestine, organizations of elites advanced institutions of private property and indirect taxation and also regulated the prices and types of goods sold at markets. These institutions sometimes had positive ramifications for the broader population – for instance, standard toll rates would have helped to reduce the transaction costs caused by asymmetrical information and the hubris of individual toll collectors. But institutional changes had the greatest benefits for the elites responsible for their design. Elites had a special interest in keeping tax rates low, for example, so that they could charge higher rents on their land. In this way, political power afforded elites a measure of control over relations between cities and villages, landlords and tenants, contractors and laborers, and producers and consumers.

The institutional changes that endowed a segment of elites with power over social relations also naturalized status differentials. While not impossible, it was challenging for non-elites to break into the social ranks of elites by attaining political office. The informal institutions of patronage and benefaction facilitated rituals of status differentiation by refracting political power as legitimate representation and justified honor. The widespread misrecognition of this political power permitted the reproduction and adaptation of the longstanding institutions that sustained disparities of status and wealth.

Institutional Change and Economic Power

As control over resources (human and nonhuman) and access to them, economic power overlaps considerably with political power. Those elites

with political power regulated social relations, on the whole, by regulating resource distribution. However, economic power was also exercised by elites and non-elites who did not possess direct political power.

The complex effects of institutional change on differentials of economic power are most apparent in the sphere of land tenancy. Due to the stipulation of private property rights over land by elites with political power, elite and non-elite landowners gained access to revenue that had been conveyed to the state under previous fiscal regimes. Not all landowners were elites, but it is clear that it was elites (including the families of client-kings) who owned the majority of the land. As such, elite landowners had a monopoly on Palestine's most productive resource and access to its products. The sources suggest that landowners in Palestine owned slaves but more typically employed tenants or temporary laborers to work their land. Elites had a clear advantage in economic power in negotiations over contracts with workers, but tenants and hired laborers also had some economic power.

Tenants and nonslave laborers often possessed valuable resources required to yield revenue from the land, whether skilled labor, slaves, tools, draft animals, irrigation, seed, or some combination of these. They also offered information and security that landowners wished to attain. Ultimately, the bargaining power and legal rights of tenants and laborers paled in comparison to that of landowners, with negative repercussions for the former, but both partners in these interactions did have some economic power. In general, it appears that tenants and hired laborers who worked on private estates had more economic power than those who worked on royal estates.

The wealth that elites gained through their power over labor and resources supported their demand for luxury items. Many elites spent a portion of their wealth on acquiring high-quality luxury goods such as tableware, lamps, and jewelry, whether imported or locally made. In this way, elite demand for imported styles induced wider trade in a variety of goods, enabled some degree of supraregional market integration, and stimulated the production of local versions of foreign items. Elite wealth, gained through control over the land and other resources, thereby supported the development of a distinctive elite culture.

Institutional Change and Ideological Power

Ideological power – control over meaning, norms, and practices – sustains and legitimates political and economic power, but it is more than

that. Ideological power also orients and constrains the agency of individuals, groups, and organizations, shaping patterns of social and economic behavior. While it overlaps with the other dimensions of social power, ideological power can also conflict with them, as path-dependent cultural institutions are often found to be at odds with economic efficiency.

The wealth and status of Judaeen priests in Early Roman Palestine were contingent on ideological power. By controlling the interpretation of scriptural injunctions, priestly elites and their supporters maintained two institutional practices that increased their wealth and status – tithes and the Temple tax. While Jerusalem's priestly elites (though not all priests) had become the beneficiaries of several other institutions in the Early Roman period, and did not want for wealth, they accepted tithes on the pretense that they supported their subsistence. Similarly, Temple taxes and other offerings supported regular worship and the upkeep of the Temple, but they also supported elites who were already wealthy. Jerusalem's economy of the sacred was thus dependent on religious and cultural institutions that sustained power differentials. At the same time, however, it facilitated the integration of diasporic social networks, interregional trade, and the marketing and distribution of goods from Jerusalem and its environs, among other social and religious consequences.

Ideological power was also expressed in Early Roman Palestine as changing class dispositions. As elites surged in economic and political power, they developed a cultural *habitus* that distinguished them from non-elites. Elite culture incorporated distinctive tableware, oil lamps, dress, and burials. While not static or uniform across Palestine, this culture adapted styles from elsewhere in the Roman East – from Tyre, Antioch, and Ephesos – and even Italy. Judaeen elites appropriated, adapted, and transformed the cultural habits of other provincials, forming out of numerous aesthetic influences their own culture that negotiated and adapted wider Mediterranean trends. By using their wealth to acquire imported items, elites had disproportionate power in cultural change and the transregional integration of markets.

Elites' innovative norms, meanings, and practices were not glibly accepted by non-elites. This was partly because non-elites could not afford the same cultural resources as elites, but also because non-elites, too, wielded ideological power; they were not passive recipients of a dominant ideology. At the same time that elites developed a distinctive class culture, non-elites did the same. Those non-elites who could afford it participated in the generation of a class *habitus* that relied on local materials and rejected many of the ostensibly foreign aesthetics that characterized the class culture of Judaeen elites. Nevertheless, non-elite material culture still

betrayed external influences, as is evident in some of the formal features of tableware and lamps, for example.

Elites and non-elites both exercised ideological power in a way that caused social change and influenced economic behavior. Bolstered by their disproportionate economic and political power, however, elites had a comparative advantage in maintaining and developing the cultural institutions that entrenched and naturalized inequalities of wealth and power.

The numerous institutional changes that transpired in Early Roman Palestine did little to mitigate the rampant inequalities of wealth in Judaeon society, but they also did not exacerbate the economic conditions of non-elites on the whole. Even still, patterns of the production and use of material culture indicate that elites and non-elites were more easily distinguishable than ever by the early first century CE. This conclusion commends a different and more critical way of understanding the depictions of tensions between the rich and poor in literary texts from this period. Instead of accurate reflections of antagonistic socioeconomic relations that were caused by new forms of economic exploitation, these texts should be viewed as material contributions to the changing ideologies of class that are also evident in the archaeological record.

APPENDIX A

Herodian Rulers

Ruler	Birth/Death	Reign	Territories
Herod I (“the Great”)	73 BCE/4 BCE	37–4 BCE (king); officially named king by Rome in 40 CE	Lesser Judaea, Samaria, Idumaea, Trachonitis, Batanaea, Gaulanitis, Auranitis, Galilee, Peraea, Caesarea Maritima, Joppa, Jamnia, Gaza, Hippos, Gadara (not all territories were added to the kingdom at the same time)
Salome I (sister of Herod I)	ca. 65 BCE/10 CE	4 BCE–10 CE (toparch)	Jamnia, Azotus, Phasaelis
Herod Archelaus	ca. 23 BCE/?	4 BCE–6 CE (ethnarch)	Lesser Judaea, Samaria, Idumaea, Caesarea Maritima, Joppa
Herod Antipas	ca. 21 BCE/?	4 BCE–39 CE (tetrarch)	Galilee, Peraea
Herod Philip	ca. 22 BCE/?	4 BCE–34 CE (tetrarch)	Trachonitis, Batanaea, Gaulanitis, Auranitis
Herod of Chalcis	15 BCE/48 CE	41–8 CE (king)	Chalcis

(continued)

Ruler	Birth/Death	Reign	Territories
Herod Agrippa I	ca. 13 BCE/ 44 CE	37–44 CE (41–4 CE as king over all Judaea)	After 37 CE: Trachonitis, Batanaea, Gaulanitis, Auranitis, and Abila; after 39 CE: Galilee and Peraea; after 41 CE: lesser Judaea and Samaria
Aristobulus of Chalcis	ca. 12–20 CE/ 92 CE	53–92 CE (king)	Chalcis; also king of Armenia Minor 54–71 CE
Herod Agrippa II	27 CE/ca. 93 CE	53–ca. 93 CE (king)	Trachonitis, Batanaea, Gaulanitis, Abila, and parts of the Galilee (after ca. 55 CE); previously tetrarch of Chalcis 48–53 CE

APPENDIX B

High Priests during the Early Roman Period

High Priests in Chronological Order	
37–35 BCE	Ananel
35 BCE	Aristobulus III
35–30 BCE?	Ananel
30–24/22 BCE	Jesus son of Phiabi
24/22–5 BCE	Simon son of Boethus
5–4 BCE	Matthias son of Theophilus
4 BCE?–6 CE	Joazar son of Boethus
4 BCE	Eleazar son of Boethus
4 BCE–?	Jesus son of Seë
6–15 CE	Ananus (Annas) son of Seth/Sethi
15–16 CE	Ishmael son of Phiabi
16–17 CE	Eleazar son of Ananus
17–18 CE	Simon son of Camith
18–36/37 CE	Joseph Caiaphas
36 or 37 CE	Jonathan son of Ananus
37–41 CE	Theophilus son of Ananus
41–2 CE	Simon Cantheras (Qathros) son of Boethus
42–3 CE?	Matthias son of Ananus
43?–45 CE	Elionaeus son of Cantheras
45–8 CE	Joseph son of Camei
48–59 CE	Ananias son of Nedebaeus
59–61 CE	Ishmael son of Phiabi
61–2 CE	Joseph son of Simon
62 CE	Ananus son of Ananus
62–3 CE?	Jesus son of Damnaeus
63–4 CE	Jesus son of Gamaliel
64–6 CE?	Matthias son of Theophilus
68 CE?	Phannias son of Samuel

After VanderKam 2004, 492–3.

Leading Families of High Priests		
Family of Ananus (Annas)	Ananus (Annas) son of Seth/Sethi	6–15 CE
	Eleazar son of Ananus	16–17 CE?
	Joseph Caiaphas (son-in-law of Ananus)	18–36/37 CE
	Jonathan son of Ananus	36 or 37 CE
	Theophilus son of Ananus	37–41 CE
	Matthias son of Ananus	42–3 CE?
	Ananus son of Ananus	62 CE
Family of Boethus	Simon son of Boethus	24/22–5 BCE
	Joazar son of Boethus	4 BCE?–6CE
	Eleazar son of Boethus	4 BCE
	Simon Cantheras (Qathros) son of Boethus	41–2 CE
	Jesus son of Gamaliel (his wife was from the Boethus family)	63–4 CE
Family of Phiabi	Jesus son of Phiabi	30–24/22 BCE
	Ishmael son of Phiabi	15–16 CE?
	Ishmael son of Phiabi	59–61 CE

After VanderKam 2004, 492–3.

APPENDIX C

Palamyra Duties (137 CE)

1 imported slave	22 den.
1 slave sold in the city (not for export)	12 den.
1 veteran slave	10 den.
1 slave purchased for export	12 den.
1 camel-load of dried produce imported	3 den.
1 camel-load exported	3 den.
1 donkey-load imported	2(?) den.
1 donkey-load exported	2(?) den.
1 skin of purple-dyed fleece imported	8 asses
1 skin of purple-dyed fleece exported	8 asses
1 camel-load of unguent in goat-skins imported	13 den.
1 camel-load of unguent in goat-skins exported	7(?) den.
1 donkey-load of unguent in alabaster vessels imported	13 den.
1 donkey-load of unguent in alabaster vessels exported	7 den.
1 donkey-load of unguent in goat-skins imported	7 den.
1 donkey-load of unguent in goat-skins exported	4 den.
1 load of olive oil in four goat-skins imported	13 den.
1 load of olive oil in four goat-skins exported	1[3] den.
1 load of olive oil in two goat-skins imported by camel	7(?) den.
1 load of olive oil in two goat-skins exported by camel	7(?) den.
1 load of olive oil imported by donkey	7 den.
1 load of olive oil exported by donkey	7(?) den.
1 load of animal fat in four goat-skins imported by camel	13 den.
1 load of animal fat in four goat-skins exported by camel	13 den.
1 load of animal fat in two goat-skins imported by camel	7 den.
1 load of animal fat in two goat-skins exported by camel	7 den.
1 load of salt fish imported by camel	10 den.
1 load of salt fish exported by camel	?

(continued)

Tax on sale of unguent	2 asses per month
1 prostitute who receives 1 denarius or more	1 den. (per month?)
1 prostitute who receives 8 asses	8 asses (per month?)
1 prostitute who receives 6 asses	6 asses (per month?)
Monthly tax on workshops, general stores, and leather workshops	1 den. per month
1 skin imported or sold	2 asses
Tax on sellers of clothing in the city	unfixed rate
Use of two water sources	800 den. per year
Each load of wheat, wine, fodder and similar produce, camel-load, and trip	1 den.
1 camel brought in unloaded	1 den.

After Matthews 1984.

* Matthews (1984, 177 n. 22) comments that the purpose of this high sum is difficult to decipher, despite the fact that the valuation of water at a high rate in a place like Palmyra is unsurprising. He remarks that this could not have been a due that affected most people in Palmyra. It may have referred to an amount payable by caravan leaders for access to water for their animals, by owners of private baths or other commercial operations that required a lot of water, or for irrigation rights.

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